Subject:	Copy: City of Flint Drinking Water Issues
Location:	CH-6S-DEQ-DIRECTOR
Start:	Mon 10/6/2014 12:15 PM
End:	Mon 10/6/2014 1:00 PM
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Thelen, Mary Beth (DEQ)
Required Attendees:	Wyant, Dan (DEQ); Brader, Valerie (GOV); Busch, Stephen (DEQ); Howes, Sarah (DEQ); Prysby, Mike (DEQ)
Optional Attendees:	Benzie, Richard (DEQ); Shekter Smith, Liane (DEQ); Feuerstein, Heather (DEQ); Willard, Veronica (DEQ); West, Samantha (GOV)

Update: This meeting has been confirmed for Monday, October 6, 1:15 – 2:00 Director's Conference Room – 6th Floor – South Tower – Con Hall.

Thank you.

==========

Director has asked for a meeting with the following next week on City of Flint Drinking Water issues.

Samantha, does this time work for Val? Please advise. (Monday, October 6, 1;15-2:00)

Thanks.

Participants:

Director Dan Wyant
Val Brader, Governor's office
Stephen Busch
Mike Prysby
Sarah Howes (optional)

Liane Shekter Smith – FYI only
Rich Benzie – FYI only

Subject:	City of Flint Drinking Water Issues
Location:	CH-6S-DEQ-DIRECTOR
Start:	Mon 10/6/2014 12:15 PM
End:	Mon 10/6/2014 1:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Thelen, Mary Beth (DEQ)
Required Attendees:	Wyant, Dan (DEQ); Brader, Valerie (GOV); Busch, Stephen (DEQ); Howes, Sarah (DEQ); Prysby, Mike (DEQ)
Optional Attendees:	Benzie, Richard (DEQ); Shekter Smith, Liane (DEQ); Feuerstein, Heather (DEQ); Willard, Veronica (DEQ); West, Samantha (GOV)

Update: This meeting has been confirmed for Monday, October 6, 1:15 – 2:00 Director's Conference Room – 6th Floor – South Tower – Con Hall.

Thank you.

==========

Director has asked for a meeting with the following next week on City of Flint Drinking Water issues.

Samantha, does this time work for Val? Please advise. (Monday, October 6, 1;15-2:00)

Thanks.

Participants:

Director Dan Wyant
Val Brader, Governor's office
Stephen Busch
Mike Prysby
Sarah Howes (optional)

Liane Shekter Smith – FYI only
Rich Benzie – FYI only

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, April 29, 2015 1:25 PM
To: West, Samantha (GOV)
Subject: FW: Governor Snyder's Termination Letter
Attachments: Flint EM Termination Letter.pdf

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, April 29, 2015 12:08 PM
To: Stanton, Terry A. (Treasury); Storberg, Ann Marie (TREASURY); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Wurfel, Sara (GOV); Gelisse, Ashley (TREASURY); Saxton, Thomas (Treasury); Workman, Wayne (MSHDA); Koryzno, Edward (Treasury); Khouri, Nick (TREASURY); Redford, James (GOV); Bedan, Morgan (GOV); Sampson, Jeremy (TREASURY); Lukasik, Liz (GOV); Breslin, Brian (GOV); Harden, Carolyn (GOV); Byrne, Randall (Treasury); Headen, Frederick (Treasury); Rospond, Laurie (GOV); Stoken, Laura (GOV)
Cc: Wisniewski, Wendy (GOV)
Subject: FW: Governor Snyder's Termination Letter

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, April 29, 2015 12:07 PM
To: 'gambrose@cityofflint.com' (gambrose@cityofflint.com)
Cc: Wisniewski, Wendy (GOV)
Subject: Governor Snyder's Termination Letter

Attached is Governor Snyder's Termination Letter for the Emergency Manager Contract for the City of Flint.

Please let me know if you have any questions. Thank you

Wendy Wisniewski
Executive Assistant to Dennis Muchmore
and Beth Clement
Executive Office of Governor Rick Snyder
George W. Romney Building, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5601
WisniewskiW@michigan.gov

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

April 29, 2015

Gerald W. Ambrose, Emergency Manager
Flint City Hall
1101 South Saginaw Street
Flint, MI 48502

NOTICE OF TERMINATION

Mr. Ambrose:

Pursuant to Section 9 of the Contract for Emergency Manager Services for the City of Flint that was executed on January 13, 2015, I hereby issue this Notice of Termination, effective April 29, 2015. Upon the effective date of this Notice, you are expected to adhere to the following guidelines:

- Cease work under this Contract.
- Incur no further costs.
- Submit all records, reports, and other documentation as specified by the State; follow any directives made by the State concerning the safeguard and disposition of files and property.
- Submit a closing memorandum and final billing within thirty (30) days. This will be paid within thirty (30) days.

On behalf of the State of Michigan, thank you for your service.

Sincerely,

Rick Snyder
Governor

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, April 29, 2015 1:25 PM
To: West, Samantha (GOV)
Subject: FW: City of Flint RTAB Appointment Letter - Filed
Attachments: City of Flint RTAB Appointment Letter.pdf

From: Lukasik, Liz (GOV)
Sent: Wednesday, April 29, 2015 1:16 PM
To: Stanton, Terry A. (Treasury); Storberg, Ann Marie (TREASURY); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Wurfel, Sara (GOV); Gelisse, Ashley (TREASURY); Saxton, Thomas (Treasury); Workman, Wayne (MSHDA); Koryzno, Edward (Treasury); Khouri, Nick (TREASURY); Redford, James (GOV); Bedan, Morgan (GOV); Sampson, Jeremy (TREASURY); Lukasik, Liz (GOV); Breslin, Brian (GOV); Harden, Carolyn (GOV); Byrne, Randall (Treasury); Headen, Frederick (Treasury); Rospond, Laurie (GOV); Stoken, Laura (GOV); Wisniewski, Wendy (GOV)
Subject: City of Flint RTAB Appointment Letter - Filed

Attached is a copy of the filed Appointment Letter for the City of Flint RTAB.

Liz Lukasik

Appointments Associate
Executive Office of Governor Snyder
517-241-5191 (O)
517-335-7899 (F)

RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

BRIAN CALLEY
LT. GOVERNOR

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2015 APR 29 PM 1:06
OFFICE OF THE GREAT SEAL

April 29, 2015

The Honorable Ruth Johnson
Secretary of State
Office of the Great Seal
Michigan Department of State
Lansing, MI 48909

Dear Secretary Johnson:

Please be advised of the following appointments to office to be effective April 29, 2015.

City of Flint Receivership Transition Advisory Board

Frederick Headen of 5571 White Owl Lane, Haslett, Michigan 48840, county of Ingham, representing the State Treasurer, is appointed for a term commencing April 29, 2015, and expiring at the pleasure of the Governor.

Brian Larkin of 722 W. Hamilton Avenue, Flint, Michigan 48504, county of Genesee, representing the Director of the Department of Technology, Management, and Budget, is appointed for a term commencing April 29, 2015, and expiring at the pleasure of the Governor.

David McGhee of 2601 Terrace Drive, Flint, Michigan 48507, county of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 29, 2015, and expiring at the pleasure of the Governor.

Beverly Walker-Griffea of 1520 East Second Street, Flint, Michigan 48503, county of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 29, 2015, and expiring at the pleasure of the Governor.

Robert McMahan of 2952 Parkside Drive, Flint, Michigan 48503, county of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 29, 2015, and expiring at the pleasure of the Governor.

These appointees shall take and file with the Office of the Great Seal an oath of office before commencing their duties as members of the Receivership Transition Advisory Board.

The State Treasurer, or his or her designee appointed to represent the State Treasurer, shall serve as chairperson of the Flint Receivership Transition Advisory Board. In addition to the duties assigned to a Receivership Transition Advisory Board by Section 23(5) of Public Act 436 of 2012, the Local Financial Stability and Choice Act, the Flint Receivership Transition Advisory Board shall perform the following duties:

1. Fulfill the Board responsibilities outlined in all Emergency Manager Orders, including ORDER No. 20.

2. Recommend amendments, modifications, repeal, or termination of Emergency Manager Order No. 20, or any other Flint Emergency Manager orders, to the State Treasurer. Recommended amendments, modifications, repeal, or termination of Emergency Manager Orders must be approved by the State Treasurer before any such modification becomes effective.

3. Conduct or cause to be conducted a formal annual evaluation of the City's operational and financial progress by identifying strengths, weaknesses, benchmarks achieved, and benchmarks not yet achieved, including a list of specific recommendations, potential resources available to assist City officials, and any other constructive feedback that informs City officials, residents, and other stakeholders concerning how the City can promote and ensure its long-term sustainability.

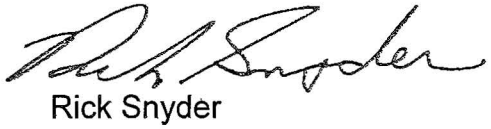
Finally, pursuant to Section 22(4) of the Act, I impose upon the City the following conditions which must be satisfied before it is removed from receivership, unless subsequently waived by me:

1. The implementation of financial best practices as adopted by the financial officials' association.

2. After study by the Mayor and the City Council, and in consultation with the Receivership Transition Advisory Board, the City shall enact changes in the current charter through charter amendments or charter revision that are consistent with applicable model charters and model charter amendments and in the City's best financial interests.

3. The completion by City officials of financial and managerial training to ensure that official responsibilities are properly discharged.

Sincerely,



Rick Snyder
Governor

From: VanSickle, Michele (GOV)
Sent: Wednesday, March 25, 2015 2:34 PM
To: Barnes, Jeff (DMVA); Dave Hiller; Dave Molloy; Don Johnston; Etue, Kriste (MSP); Gary A. Rosema (CLEAR Chairman) (grosema@miottawa.org); Heyns, Daniel (MDOC); James Craig - City of Detroit (craigj@detroitmi.gov); Karen Reid; Ken Grabowski; Klotz, Josephine (MSP); Louise Alderson; Michael Lovelace; Miller, Kim (DMVA); Simon, Sandy C. (MDOC); Smith, Paul (GOV); Stuart Dunnings; Tim Bourgeois; Wesaw, Matthew (MDCR); West, Samantha (GOV)
Subject: Notes from the January 29th CLEAR meeting are attached
Attachments: CLEAR Meeting Minutes January 29 2015.docx

Please review the notes from our January 29 CLEAR meeting prior to tomorrow's meeting.

Thank you and see you tomorrow.

Michele VanSickle
Executive Assistant for Richard Baird, Shani Penn, and Mike Finney
Executive Office of Governor Rick Snyder
(517) 241-5621
vansicklem2@michigan.gov

CLEAR Meeting Summary
January 29, 2015

ATTENDEES:
Sheriff Gary A. Rosema, Ottawa County
Col. Kriste Etue, MSP
Chief Tim Bourgeois, Kalamazoo Township
Chief David Molloy, Novi Police Department
Ken Grabrowski, POAM
Dave Hiller, MFOP
Judge Donald Johnston, 17th Circuit Court, Kent County
Sheriff Michael Lovelace, Marquette County
Rich Baird, Governor's Office
Michele VanSickle, Governor's Office
Paul Smith, Governor's Office

GUESTS:
Harriett Miller-Brown, State 911
Jim Redford, Governor's Legal Council
John Walsh, Strategic Policy Governor's office
Devesh Poddar, DTMB

DRAFT

Redacted

Old Business

Redacted

Redacted

- Flint's water issue pertains to the water eliminating an odor and looking not appetizing. The water is safe to drink and bathe in. Working to recut a deal with Detroit W&S until other water deal is completed.

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

DRAFT

New business

Redacted

Redacted

DRAFT

Subject:	Muchmore/Clement re flint
Location:	DM
Start:	Wed 9/11/2013 1:45 PM
End:	Wed 9/11/2013 2:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Muchmore, Dennis (GOV)
Required Attendees:	Clement, Elizabeth (GOV) (clemente@michigan.gov); Samantha Simons (SimonsS2 @michigan.gov)

Subject:	DM/RB/VB/GT/KC/AD/TS - re MFA, The Karagondi Authority, The DWSD Authority
Location:	Governor's SE Michigan Office
Start:	Mon 10/28/2013 10:00 AM
End:	Mon 10/28/2013 11:00 AM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Muchmore, Dennis (GOV)
Required Attendees:	Roberts, John (GOV); Baird, Richard (GOV); Brader, Valerie (GOV); Tedder, Greg (GOV); Clinton, Kevin (DIFS); Dillon, Andy (Treasury); Saxton, Thomas (Treasury); VanSickle, Michele (GOV); Doyle, Maureen (DIFS); Hichez, Amy (Treasury); Pleyte, Beth (Treasury); Simons, Samantha (GOV)
Optional Attendees:	Clayton, Stacie (GOV)

Subject:	Weekly Flint Meetings
Location:	Conference Call - Info Below
Start:	Wed 12/18/2013 9:00 AM
End:	Wed 12/18/2013 10:00 AM
Recurrence:	Weekly
Meeting Status:	Accepted
Organizer:	Koryzno, Edward (Treasury)
Required Attendees:	West, Samantha (GOV); Clement, Elizabeth (GOV); Klotz, Josephine (MSP); Maxine Murray (mmurray@cityofflint.com); Workman, Wayne (TREASURY); Koryzno, Edward (Treasury); Byrne, Randall (Treasury); 'gambrose@cityofflint.com'; O'Neill, Stephen (MSP); Kapp, Gene (MSP); Deasy, Thomas (MSP); Etue, Kriste (MSP); Sands, Thomas (MSP); Pekrul, Daniel (MSP); Lee, Nichole (MSP); Sipes, Stephen (MSP); 'Elizabeth Murphy'; 'James Tolbert'; Darnell Early (dearly@cityofflint.com); Muchmore, Dennis (GOV); John Roberts (robertsj9@michigan.gov); Richard Baird; Larkin, Brian (GOV); Hollins, Harvey (GOV); Saxton, Thomas (Treasury)

From: Koryzno, Edward (Treasury)
Sent: Tuesday, January 21, 2014 11:49 AM
To: Koryzno, Edward (Treasury); 'Elizabeth Murphy'; 'James Tolbert'; gambrose@cityofflint.com; Baird, Richard (GOV); Byrne, Randall (Treasury); Clement, Elizabeth (GOV); Darnell Early; Deasy, Thomas (MSP); Etue, Kriste (MSP); Hollins, Harvey (GOV); Kapp, Gene (MSP); Klotz, Josephine (MSP); Larkin, Brian (GOV); Lee, Nichole (MSP); Maxine Murray; Muchmore, Dennis (GOV); O'Neill, Stephen (MSP); Pekrul, Daniel (MSP); Roberts, John (GOV); Sands, Thomas (MSP); Saxton, Thomas (Treasury); Sipes, Stephen (MSP); West, Samantha (GOV); Workman, Wayne (TREASURY)
Subject: Weekly Flint Meetings

Ed Koryzno to Host

Call in [redacted]

Access Code [redacted]

Subject: Call w/ Senator Ananich re water issues (City of Flint)
Location: Valerie call [redacted]

Start: Thu 9/25/2014 3:00 PM
End: Thu 9/25/2014 3:30 PM

Recurrence: (none)

Organizer: Brader, Valerie (GOV)

Subject: Conference call re emergency service requirements (Genesee County - DWSD)
Location: [redacted] VB to host)

Start: Mon 1/5/2015 10:30 AM
End: Mon 1/5/2015 11:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Brader, Valerie (GOV)
Required Attendees: Prysby, Mike (DEQ); Shekter Smith, Liane (DEQ)

Subject: Copy: Conference call re emergency service requirements (Genesee County - DWSD)
Location: [redacted]- VB to host)

Start: Mon 1/5/2015 10:30 AM
End: Mon 1/5/2015 11:00 AM

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Brader, Valerie (GOV)
Required Attendees: Prysby, Mike (DEQ); Shekter Smith, Liane (DEQ)

Subject: RDS/GT/JR/VB - KWA & DWSD (Water) Meeting
Location: Governor's SE MI Office

Start: Fri 4/19/2013 3:00 PM
End: Fri 4/19/2013 4:30 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Tentatively accepted

Organizer: GovCalendar
Required Attendees: Hichez, Amy (Treasury); Muchmore, Dennis (GOV); Wisniewski, Wendy (GOV); Rustem, William (GOV); Brader, Valerie (GOV); Tedder, Greg (GOV)
Optional Attendees: Clayton, Stacie (GOV); Thelen, Mary Beth (DEQ)

[redacted]

Host: [redacted]– SClayton to dial in as Host

Attendees:
RDS/GT in person, Val Brader by phone
Mr. Orr by phone
Harvey Hollins by phone or in person
Attending from DWSD: Jim Fausone, Sue McCormick (Director), Nikki Bateson (CFO)
Attending from Flint: Ed Kurtz and Flint Mayor Dayne Walling
Attending from Treasury: Andy Dillon, Amy Hichez
Attending from DEQ: Dan Wyant
George Karmo from Tucker Young Jackson Tull Inc

Subject:	Internal Flint Water Meeting
Location:	Governor's Conference Room, 2nd Romney
Start:	Wed 1/28/2015 10:00 AM
End:	Wed 1/28/2015 11:00 AM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Walsh, John (GOV); Wisniewski, Wendy (GOV); Hall, Jean (GOV); Pleyte, Beth (Treasury); Saxton, Thomas (Treasury); Clayton, Stacie (GOV); Hollins, Harvey (GOV); Murray, David (GOV)

Attending:
Dick Posthumus
Dennis Muchmore
John Walsh
Beth Clement
Tom Saxton
Harvey Hollins
Dave Murray

Subject:	Mtg Flint Water Issues/other Concerns
Location:	Governor's Conference Room
Start:	Wed 1/28/2015 2:00 PM
End:	Wed 1/28/2015 3:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Saxton, Thomas (Treasury); Pleyte, Beth (Treasury); Muchmore, Dennis (GOV); Wisniewski, Wendy (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Hall, Jean (GOV)

Attending:
Jerry Ambrose
Tom Saxton
Dick Posthumus
Dennis Muchmore
Beth Clement
Sen Ananich
Andy Leavitt

Subject:	Hollins/Clement Call Re:Flint
Location:	HH will call EC at [redacted]
Start:	Mon 4/27/2015 1:30 PM
End:	Mon 4/27/2015 2:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Hollins, Harvey (GOV)
Required Attendees:	Hollins, Harvey (GOV); Clement, Elizabeth (GOV) (clemente@michigan.gov); Wendy Wisniewski (WisniewskiW@michigan.gov)

Subject: RDS/DM/EC/JW/NKhouri/TSaxton/WWorkman - Local Government Update
Location: Governor's Office, Romney

Start: Wed 7/22/2015 2:30 PM
End: Wed 7/22/2015 3:15 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: GovCalendar
Required Attendees: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Wisniewski, Wendy (GOV); Workman, Wayne (TREASURY); Saxton, Thomas (Treasury); Pleyte, Beth (Treasury); Doyle, Maureen (Treasury); Walsh, John (GOV); Khouri, Nick (TREASURY); Dempkowski, Angela (Treasury)

Agenda:

[redacted]

Flint

- Water System/KWA

[redacted]

Subject: RDS – Urban Initiatives Update
Location: Governor's SE MI Office

Start: Mon 9/21/2015 2:00 PM
End: Mon 9/21/2015 2:30 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: GovCalendar
Required Attendees: Hollins, Harvey (GOV); Clayton, Stacie (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Wisniewski, Wendy (GOV)
Optional Attendees: Agen, Jarrod (GOV)

Agenda:

IV. Flint Water

Subject: RDS/DM/JA/EC/DW/NL/HH/MAnderson - Flint After Action Meeting
Location: Governor's Office, Romney

Start: Wed 10/21/2015 9:00 AM
End: Wed 10/21/2015 10:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: GovCalendar
Required Attendees: VanSickle, Michele (GOV); Baird, Richard (GOV); Wisniewski, Wendy (GOV); Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Wyant, Dan (DEQ); Thelen, Mary Beth (DEQ); Lyon, Nick (DHHS); Grijalva, Nancy (DHHS); Clayton, Stacie (GOV); Hollins, Harvey (GOV); Anderson, Madhu (DEQ)

Ken Sikkema, Chris Kolb, Eric Rothstein, Dr. Matt Davis, Dr. Lawrence Reynolds (by phone)

[redacted]
Host: [redacted]- RH to host

Agenda:

1) Introductions
2) Mission of Task Force
3) Background Info
4) Discussion of Timeline
5) Q & A from Task Force Members
6) Communications Strategy/Review Press Release

Attachments:

1. JA Memo
2. Resumes
3. Press Release

Flint After Action Meeting.pdf...

Flint After Action Kolb, Davis...

Flint After Action Press Relea...

*****Staff*****
Chris Kolb chris@environmentalcouncil.org
Eric Rothstein erothste@grg-ltd.com
Ken Sikkema ksikkema@pscinc.com
Matt Davis mattdav@med.umich.edu

RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

BRIAN CALLEY
LT. GOVERNOR

Contacts: Sara Wurfel or Dave Murray 517-335-6397	**FOR IMMEDIATE RELEASE** Wednesday, Oct. 21, 2015

Gov. Rick Snyder announces formation of Flint Water After Action Report Commission

Experts will provide ongoing monitoring of city water system

LANSING, Mich. – Gov. Rick Snyder today announced a new task force to review the state's actions regarding water usage and testing in Flint. The commission will conduct a thorough review and lay out recommendations on future guidelines for water testing. It will also monitor the transition of Flint's city water system back to the Great Lakes Water Authority, and its eventual transition to the Karegnondi Water Authority pipeline.

The commission will be co-chaired by Ken Sikkema of Public Sector Consultants and Chris Kolb, of the Michigan Environmental Council. Also serving will be Dr. Matthew Davis of the University of Michigan Health System, and Eric Rothstein, of the Galardi Rothstein Group.

"As stated previously, transitioning back to the Great Lakes Water Authority is a good first step to protecting public health in Flint, but it's not the last step," Snyder said. "Bringing in outside experts to evaluate our actions and help monitor and advise on technical issues will be key to continuing work on the comprehensive action plan and ensuring safe drinking water for all the citizens of Flint."

Ken Sikkema is a senior policy fellow at Public Sector Consultants, where he specializes in public finance, environment, and energy policy. Prior to joining the firm, Sikkema served in both the Michigan House and Senate, culminating with four years as Senate Majority Leader. He has also served as both an adjunct and visiting professor at Grand Valley State University.

Chris Kolb is president of the Michigan Environmental Council, a statewide coalition of 70 environmental, public health and faith-based nonprofit groups. Before joining the MEC, Kolb represented Ann Arbor in the state House for six years and served eight years on the Ann Arbor City Council. He has been president of the MEC for eight years.

Matthew Davis, M.D., M.A.P.P., is Professor of Pediatrics and Internal Medicine at the University of Michigan Health System and Professor of Public Policy at the Gerald R. Ford School at the University of Michigan, having joined the faculty in 2000. He is the founding Director of the C.S. Mott Children's Hospital National Poll on Children's Health and the National Voices Project. Dr. Davis also previously served as the Chief Medical Executive of the Michigan Department of Community Health/Department of Health and Human Services.

Eric Rothstein is a national water issues consultant and principal at the Galardi Rothstein Group. He served as an independent advisor on the creation of the Great Lakes Water Authority. Rothstein also has served as Jefferson County, Alabama's rate consultant and municipal advisor for litigation related to the county's bankruptcy and issuance of $1.7 billion in sewer warrants and led strategic financial planning for the City of Atlanta's Department of Watershed Management. He has more than 30 years of experience in water, wastewater and stormwater utility finance and rate-making assessments.

As Gov. Snyder previously stated, reconnecting with the authority will not completely resolve the city's problem with lead service lines or aging infrastructure. It will take time for pipes in Flint to become coated with the phosphate corrosion control.

To best protect public health, state and local authorities will continue to carry out steps outlined on Oct. 2 in a comprehensive action plan, including continued testing, the use of faucet filters and providing residents with accurate information about steps to eliminate lead exposure. The Michigan Departments of Environmental Quality is continuing to provide free water filters, free lead testing through the state laboratory for Flint water customers, and hiring additional staff to conduct health exposure monitoring for lead in drinking water.

####

Chris Kolb

[redacted]

EDUCATION:

The University of Michigan, Ann Arbor, Michigan
Bachelor of Science in Natural Resources, GPA 3.55
Dean's List, Honors Society

Emory University, Atlanta, Georgia
Graduate studies in Political Science focusing on Quantitative Analysis, and Interest Group Politics; Scholarship, Grant, and Fellowship Recipient. Accepted into advanced studies for PhD.

EXPERIENCE:

Executive Director, Current
Unity Michigan, Ann Arbor, Michigan

Responsible for the organization and implementation of the new statewide campaign to create a progressive Michigan by advancing lesbian, gay, bisexual, and transgender (LGBT) and social justice values and issues. Coordinate and implement the collaborative efforts of five leading LGBT and equality organizations; ACLU of Michigan, Affirmations, Michigan Equality, SPICE, and Triangle Foundation. Lead the campaign's research and subsequent activities in Michigan. Successfully developed and implemented a primary election strategy in legislative races. Engage in successful communications with the LGBT community, the campaign's supporters and partners, and supportive national groups. Coordinate a broad, effective campaign with consultants, including coalition building, list building, voter contact and get-out-the-vote activities. Represent the organization at meetings and events with the public and press.

Vice President for Public Affairs, 2007-2008
Early Childhood Investment Corporation, Lansing Michigan

Directed all public affairs activities in a statewide effort to improve the status of Michigan's children, aged zero to five. Developed and implemented public policy at the federal, state and local levels working with key decision-makers, staff and public. Educated and informed elected officials on the importance of investing in early childhood. Secured increased funding over $11 million, including $5.75 million for ECIC. Helped to develop Governor's $30 million early childhood initiative outlined in Fiscal 2009 budget. Successfully planned 2008 Star Power Rally at the Capitol for over 500 early childhood supporters. Coordinated activities of the Michigan Legislative Children's Caucus; worked directly with state departments involved in early childhood development including Community Health, Education, Human Services, and Labor and Economic Growth; provided speakers and testimony to legislative hearings to inform and educate Legislature; reviewed and monitored all legislation impacting early childhood development; provided training to local Great Start Collaboratives to work with their local, state, and federal decision-makers; coordinated development of an early childhood public policy agenda; and, worked to increase knowledge of Legislature and public on importance of early childhood development, advance public education, and increase public and private investment in Michigan's children.

State Representative, 2001-2006
53rd State House District, Lansing, Michigan

Three-term State Representative, appointed for two terms (2003-2006) to the House Appropriations Committee served as the Ranking Democrat on four appropriations

subcommittees: Economic Development, Department of Environmental Quality, Higher Education, and the Department of Human Services, and served on the Corrections subcommittee (2003-4). In second term, was appointed by Governor Granholm to serve on the Michigan Land Use Leadership Council to develop a report and recommendations for the Governor and Legislature on land use issues. Appointed Ranking Democrat on the House Committee on Land Use and Environment (2001-2002), and served on the House Commerce Committee (2001-2002). Authored numerous legislation enacted into law, including legislation creating joint planning commissions, Land Bank Fast Track authorities, open space ordinance requirement for local governments, lead poisoning prevention for children, regulation of polybrominated biphenyl ethers (PBDEs), renewal of the baseline environmental assessment fee, establishment of the refined petroleum product cleanup program to help clean up leaking underground storage tanks, welfare reform and a bill to help create the Fire Services Bureau. Legislative focus included land use and planning, the environment, natural resources, toxins, children's health, alternative energy, economic development, mental health, higher education, and civil rights.

Legislative Assistant, 1999-2000
52nd District, Lansing Michigan
Served as a Legislative Assistant to Representative John Hansen, provided policy research, constituent services, reviewed legislation and executive budget data, and attended meetings on behalf of the Representative in the District. Contacted constituents and interest groups, assisted with amendments and bill development.

Environmental Consultant
Ann Arbor, Michigan 1993-1999

Provided consulting services in the environmental management and compliance field to businesses in Michigan and Ohio. Consulting services specialized in solid waste management, waste reduction and recycling, environmental compliance and permitting, worker safety training, and project management including on-site facility management.

HONORS:

Legislator of the Year, Michigan Fire Chiefs, 2006
Presidents Award, Michigan Fire Inspectors Society, 2006
Co-Chair of the Fire Service Legislative Caucus
The 2005 Legislative Award from the Michigan Audubon Society
Liberty Bell Award, Washtenaw County Bar Association, 2004
Legislative Award from the National Alliance on Mental Illness, 2004
Environmental Stewardship Award, Sierra Club, Mackinac Chapter, 2004
Legislator of the Year, U of M Students of Choice and College Democrats, 2003
Freedom Award, St. Mary's Christian Fellowship, 2002
Legislative Award from the Michigan League of Conservation Voters, 2002
Henry Toll Fellowship Leadership Class of 2002, Council of State Governments (CSG)
Legislator of the Year, Association for Children's Mental Health, 2001
Bowhay Institute for Legislative Leadership, CSG – Midwest, 2001
Next Generation Leadership Class at East-West Center, University of Hawaii, 1996

COMMUNITY ACTIVITES:

Ann Arbor City Councilmember, 1993-2000, Mayor Pro-tem, 1994-2000.

HIV/AIDS Resource Center Board of Directors, Chair; Girl Scout Council of Huron Valley, Board of Directors; previously served as Co-Chair of the Affordable Housing Task Force, Washtenaw County Solid Waste Planning Commission, and Michigan Municipal League's Transportation and Environmental Committee; volunteered for organizations involving environment, youth, hunger, LGBT, housing, health care, veterans and religious organizations.

Matthew M. Davis, M.D., M.A.P.P.
Professor of Pediatrics and Communicable Diseases
Professor of Internal Medicine
Professor of Public Policy
Professor of Health Management and Policy
University of Michigan
[redacted]

EDUCATION

HIGH SCHOOL	Eden Senior High School (1981-1985) Eden, New York	
UNDERGRADUATE	Swarthmore College (1985-1989) Swarthmore, Pennsylvania Major Field: Biology	BA with honors, 1989
PROFESSIONAL	Harvard Medical School (1990-1994) Boston, Massachusetts	MD *cum laude*, 1994
	Irving B. Harris School of Public Policy Studies (1999-2000) University of Chicago Chicago, Illinois	MAPP, 2000

POSTDOCTORAL TRAINING

Internship in Internal Medicine and Pediatrics — June 1994 - June 1995
Brigham & Women's Hospital and The Children's Hospital
Boston, Massachusetts

Residency in Internal Medicine and Pediatrics — June 1995 - June 1998
Harvard Combined Residency in Medicine and Pediatrics
Boston, Massachusetts

Acting Chief Residency in Primary Care/Internal Medicine — July 1997 - November 1997
Brigham and Women's Hospital
Boston, Massachusetts

Robert Wood Johnson Foundation Clinical Scholars Program — July 1998 - June 2000
University of Chicago
Chicago, Illinois

CERTIFICATION AND LICENSURE

State of Massachusetts full medical license #155272	1997 - 1998
State of Illinois full medical license #0036-098102	1998 - 2001
State of Michigan full medical license #J693073	2000 -
Drug Enforcement Administration Certificate #BD5935575	2000 -
Diplomate of the American Board of Pediatrics, #064080 - Recertified through 12/31/2017	1998 -
Diplomate of the American Board of Internal Medicine, #194261 - Recertified through 12/31/2021	1999 -

ACADEMIC APPOINTMENTS

Lecturer in Pediatrics and Communicable Diseases and Internal Medicine University of Michigan	July 2000 - February 2002
Core Faculty, Child Health Evaluation and Research (CHEAR) Unit Division of General Pediatrics, University of Michigan	July 2000 -
Core Faculty, Pediatric Health Services Research Fellowship Program, Division of General Pediatrics University of Michigan	July 2000 -
Affiliated Faculty, Robert Wood Johnson Clinical Scholars Program University of Michigan	July 2000 - June 2004
Assistant Professor in Pediatrics and Communicable Diseases and Internal Medicine University of Michigan	February 2002 - August 2006
Affiliated Faculty, National Poverty Center, Gerald R. Ford School of Public Policy University of Michigan	July 2003 -
Assistant Professor of Public Policy, Gerald R. Ford School of Public Policy University of Michigan	January 2004 - September 2006
Core Faculty, Robert Wood Johnson Clinical Scholars Program University of Michigan	July 2004 -
Associate Professor of Pediatrics and Communicable Diseases, Internal Medicine, and Public Policy University of Michigan	September 2006 - August 2013
Professor of Pediatrics and Communicable Diseases, Internal Medicine, and Public Policy University of Michigan	September 2013 -
Professor of Health Management and Policy School of Public Health, University of Michigan	January 2014 -

ACADEMIC ADMINISTRATIVE APPOINTMENTS

Co-Director, Pediatric Health Services Research Fellowship Program, Division of General Pediatrics, University of Michigan	July 2003 - June 2006
Co-Director, Resident Elective in Pediatric Health Services Research for Under-represented Minorities, Division of General Pediatrics, University of Michigan	July 2003 - June 2005
Director, Resident Elective in Pediatric Health Services Research for Under-represented Minorities, Division of General Pediatrics, University of Michigan	July 2005 -
Director, Fellowship Program in Pediatric Health Services Research, Division of General Pediatrics, University of Michigan	July 2006 -
Associate Director, Robert Wood Johnson Clinical Scholars Program, University of Michigan	July 2007 - June 2008
Co-Director, Robert Wood Johnson Foundation Clinical Scholars Program, University of Michigan	July 2008 -
Co-Director, Child Health Initiative Working Group, Michigan Institute for Clinical & Health Research (CTSA), University of Michigan	May 2011 - Sep 2011
Director, Child Health Initiatives Working Group, Michigan Institute for Clinical & Health Research (CTSA), University of Michigan	Sep 2011 - March 2013
Associate Director, Michigan Institute for Clinical & Health Research (CTSA), University of Michigan	Jan 2012 - March 2013
Faculty Director, Path of Excellence in Health Policy—Programs, Systems, and Economics, University of Michigan Medical School	November 2014 -
Director, Communities Engagement Core and Participant Recruitment Core, Michigan Institute for Clinical & Health Research (MICHR)	Jan 2015 -
Deputy Director, Institute for Healthcare Policy and Innovation, University of Michigan	May 2015 -

CLINICAL/HOSPITAL APPOINTMENTS

Clinical Instructor in Pediatrics and Internal Medicine, Harvard Medical School	June 1994 - June 1998
Clinical Instructor in Pediatrics and Internal Medicine, University of Chicago, Pritzker School of Medicine	July 1998 - June 2000
Staff Physician in Pediatrics and Communicable Diseases and Internal Medicine, University of Michigan Health System	July 2000 -

PUBLIC HEALTH / HEALTH POLICY APPOINTMENTS

Chief Medical Executive, Department of Community Health and Department of Health and Human Services, State of Michigan	March 2013 - April 2015

GRANT SUPPORT

Current

Principal Investigator: *National Voices Project*
W.K. Kellogg Foundation
Total cost: $2,135,229. July 2011 - June 2016.

Principal Investigator: *C.S. Mott Children's Hospital National Poll on Children's Health*
University of Michigan Health System
Total cost: $1,868,800. July 2010 - June 2016.

Principal Investigator: *Health Homes Project – Planning and Evaluation*
Michigan Department of Health and Human Services
Total cost: $272,000. May 2015 - September 2016.

Co-Investigator (PI: G Mashour): *Michigan Institute for Clinical and Health Research*
NIH / National Center for Advancing Translational Science
Total cost: $48,788,667. June 2012 - May 2017.

Recent

Principal Investigator: *Pediatric Health Services Research Training* (T32)
Eunice Kennedy Shriver National Institute for Child Health and Human Development
Total cost: $1,271,100. May 2010 - June 2015.

Principal Investigator: *Coursera Initiative: Understanding and Improving the US Healthcare System.*
University of Michigan Medical School.
Total cost: $10,000. January 2013 - December 2013.

Principal Investigator: *The Michigan Child Health Research Priorities (M-CHRP) Project*
Department of Pediatrics and Communicable Diseases
Total cost: $20,000. February 2012 - February 2013.

Principal Investigator: *Economics of Vaccines - Tracking Vaccines under Development to Determine Cost Drivers of the Vaccine Development and Approval Process*
Centers for Disease Control and Prevention
Total cost: $498,038. September 2009 - September 2011.

Principal Investigator: *Voices National Poll*
W.K. Kellogg Foundation
Total cost: $100,000. April 2010 - September 2010.

Principal Investigator: *Innovation Bridge – Linking Biotech Breakthroughs to Emerging Vaccine Manufacturers*
Bill and Melinda Gates Foundation
Total cost: $100,000. October 2008 - September 2009.

Principal Investigator: *Using MEPS Data to Inform Public-Plan Consumerism*
Agency for Healthcare Research and Quality
Total cost: $99,999. July 2007 - June 2008.

Principal Investigator: *Insurance Coverage of Child, Adolescent, and Adult Vaccines*
Partnership for Prevention
Total cost: $124,995. May 2006 - October 2007.

Principal Investigator: *Health Tracking*
Center for Studying Health System Change
Total cost: $97,171. November 2006 - December 2007.

Principal Investigator: *Future Costs of Childhood Obesity: Estimates and Implications*
United States Department of Agriculture
Total cost: $150,000. October 2004 - September 2006.

Principal Investigator: *Market Forces or Misinformation? Exploring the Link Between Self-Insuring Employers and Underinsurance*
Robert Wood Johnson Foundation Generalist Physician Faculty Scholars Program
Total cost: $299,769. July 2002 - June 2006.

Principal Investigator: *How Adult Diabetes Interventions Affect Children*
Blue Cross Blue Shield of Michigan Foundation
Total cost: $10,000. September 2005 - June 2006.

Principal Investigator: *Summer Workshop in Michigan Medicaid Research*
National Poverty Center
Total cost: $10,000. May 2005 - April 2006.

Principal Investigator: *Increasing Costs of Public-Sector Purchase of Childhood Vaccines*
Centers for Disease Control and Prevention.
Total cost: $200,693. September 2001 - September 2003.

Principal Investigator: *Evaluation of the Etiologies of Transitions in Children's Insurance Status and Effects on Healthcare Utilization and Expenditures*
Economic Research Initiative on the Uninsured (Robert Wood Johnson Foundation)
Total cost: $63,961. April 2003 - December 2004.

Co-Investigator: *Variation in Immunization Practices*
(PI: Gary L. Freed, MD, MPH)
Centers for Disease Control and Prevention
Total cost: $1,400,000. September 2004 - October 2013.

Co-Investigator: *BMI2 – Brief Motivational Interviewing to Reduce Child BMI*
(PI: Kenneth Resnicow, PhD)
Eunice Kennedy Shriver National Institute for Child Health and Human Development
Total cost: $3,416,177. April 2008–June 2013.

Co-Investigator: *Mobilizing Peer Support for Effective Congestive Heart Failure Self-Management*
(PI: Michele Heisler, MD, MPA)
National Heart, Lung, and Blood Institute
Total cost: $2,018,444. July 2006 - June 2011.

Co-Investigator and Faculty Mentor: *OB CARES: The Obstetric Clinics and Resources Study*
(PI: Christie Lancaster, MD, MSc)
Michigan Institute for Clinical & Health Research
Total cost: $4,644. February 2010 - June 2011.

Co-Investigator: *Pediatric and Managed Care Issues—Medicaid*
(PI: Gary L. Freed)
State of Michigan Department of Community Health
Total cost: $1,087,676. October 2005 - September 2006.

Co-Investigator: *Enhancing Private Provider Immunization Recall*
(PI: Kevin J. Dombkowski, DrPH)
Centers for Disease Control and Prevention
Total cost: $600,000. October 2006 – November 2009.

Co-Investigator and Faculty Mentor: *A National Study of Health Care Among Foster Children*
(PI: Sandra H. Jee, MD, MPH)
Ambulatory Pediatric Association
Total cost: $10,000. July 2003 – June 2004.

Co-Investigator and Faculty Mentor: *Healthcare Expenditures and Utilization Among Overweight Youth*
(PI: Iris R. Mabry, MD, MPH)
National Poverty Center
Total cost: $9,640. July 2003 – June 2004.

HONORS AND AWARDS

National Scholar, Swarthmore College	1985 - 1989
Garrigues Music Scholar, Swarthmore College	1987 - 1989
Ivy Award (for contributions to the college community), Swarthmore College	1989
Phi Beta Kappa, Swarthmore College chapter	1989
Paul Dudley White Fellowship in International Health, Harvard Medical School	1991, 1993
Pediatric Prize, New England Pediatric Society	1994
Arnold Dunn Award (for compassionate patient care), Brigham and Women's Hospital	1995
Irving B. Harris Fellow in Child Policy, University of Chicago	1999 - 2000
Outstanding Educator, Division of General Pediatrics, University of Michigan	2001
Young Investigator Award in Clinical and Health Services Research, Department of Pediatrics, University of Michigan	2001
Milton W. Hamolsky Junior Faculty Award, Society of General Internal Medicine, annual national meeting	2002
Outstanding Abstract, Academy of Health Services Research and Health Policy, annual national meeting	2002
Young Investigator Award in Clinical Research, Department of Pediatrics, University of Michigan	2003
Teaching Honor Roll, Gerald R. Ford School of Public Policy, University of Michigan	2004 - 2006, 2008, 2010, 2012, 2013, 2015
Token of Appreciation from Medical Students, University of Michigan Medical School	2007, 2009
National Nemours Award in Child Health Services Research	2007
Featured Vaccinologist, *Human Vaccines*	2010
Associate Chair for Research Award, Department of Pediatrics and Communicable Diseases, to support *The Michigan Child Health Research Priorities (M-CHRP) Project*	2012
Distinguished Mentor Award, Michigan Institute of Clinical and Health Research, University of Michigan	2012
Mentor Recognition for Fellow's Research Award presented to Stephen W. Patrick, Ambulatory Pediatric Association	2012
Principal Investigator, "WellSpringboard" – First Place Winner in Patient-Centered Outcomes Research Institute Challenge Initiative	2013
Principal Investigator, "WellSpringboard" – Second Place Winner in Patient-Centered Outcomes Research Institute Matchmaking App Challenge	2014

Snyder Memorial Lecturer in Medicine and the Humanities, Swarthmore College, Swarthmore, PA	2014
Visiting Professor, Royal Children's Hospital, Melbourne, Australia	2014
Inaugural Visiting Professor in Internal Medicine and Pediatrics, Children's Hospital and Brigham & Women's Hospital, Harvard Medical School, Boston, MA	2015
Visiting Professor, PolicyLab, Children's Hospital of Philadelphia Philadelphia, PA	2015
Regents' Award for Distinguished Public Service, University of Michigan	2015

MEMBERSHIPS IN PROFESSIONAL SOCIETIES

Society of General Internal Medicine	1998 -
Society for Medical Decision-Making	1999 -
Ambulatory Pediatric Association / Academic Pediatric Association	2000 -
Association of Teachers of Preventive Medicine	2001 -
AcademyHealth (formerly Association of Health Services Research and Health Policy)	2001 -
American College of Physicians / American Society of Internal Medicine	2002 -
Society for Pediatric Research (elected)	2004 -

SCIENTIFIC ACTIVITIES

Chair, Planning Committee for the Robert Wood Johnson Clinical Scholars Program annual Health Economics Symposium	2000
Peer Reviewer, *Journal of the Ambulatory Pediatric Association/ Ambulatory Pediatrics/Academic Pediatrics*	2000 -
Peer Reviewer, *Journal of General Internal Medicine*	2000 -
Peer Reviewer, *Up-To-Date*	2000 - 2003, 2010
Peer Reviewer, *Archives of Pediatric and Adolescent Medicine / JAMA-Pediatrics*	2001 -
Peer Reviewer, *JAMA*	2001 -
Peer Reviewer, *Journal of Health Policy, Politics, and Law*	2001 -
Peer Reviewer, *Annals of Internal Medicine*	2002 -
Peer Reviewer, *American Journal of Managed Care*	2003 -
Peer Reviewer, National Poverty Center grants program	2003 - 2006
Member, Editorial Board, *Ambulatory Pediatrics*	2005 - 2007
Peer Reviewer, Ambulatory Pediatric Association Young Investigators Grants Program	2005 - 2007
Peer Reviewer, *Journal of Policy and Management*	2005 -
Peer Reviewer, *Health Services Research*	2005 -
Peer Reviewer, *Vaccine*	2005 -
Lead Author, Guidelines for Prevention of Childhood Obesity, American Medical Association and American Academy of	2005 - 2007

Pediatrics	
Member, Influenza Vaccine Group, American Heart Association	2006 -
Peer Reviewer, *Health Affairs*	2006 -
Study Section Member – Health, Behavior, and Context Subcommittee, National Institutes of Health	2006
Senior Health Researcher, Center for Studying Health System Change, Washington, DC	2006 - 2007
Member, Editorial Board, *Archives of Pediatrics and Adolescent Medicine / JAMA-Pediatrics*	2007 - 2013
Founding Director, C.S. Mott Children's Hospital National Poll on Children's Health, University of Michigan	2007 -
Peer Reviewer, *New England Journal of Medicine*	2008 -
Founding Web Editor, *Archives of Pediatrics and Adolescent Medicine / JAMA-Pediatrics*	2008 - 2013
Study Section Member – Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, Centers for Disease Control and Prevention	2009
Member, Expert Advisory Committee, Measuring Pediatric Access to Specialty Health Care by Insurance Status (PI: Karin Rhodes, MD, MS; funded by State of Illinois)	2009 - 2012
Co-Guest Editor, Special Issue on "Bridging the Gap Between Research and Health Policy," *HSR – Health Services Research*	2010 - 2012
Chair, National Center for Chronic Disease Prevention and Health Promotion Special Emphasis Panel, Centers for Disease Control and Prevention	2011
Member, Special Advisory Panel to the Director of the National Center for Advancing Translational Sciences, National Institutes of Health	2013 - 2014
Member, Special Review Panel, National Institute of Diabetes and and Digestive and Kidney Diseases, National Institutes of Health	2015

TEACHING ACTIVITIES

Intramural Invited Presentations (selected)

"Teen problem-solving and its impact on tobacco use." Grand Rounds, Department of Pediatrics, Pritzker School of Medicine, University of Chicago.	1999
Health Services Research Seminar (semi-annually), Child Health Evaluation and Research (CHEAR) Unit, Division of General Pediatrics, University of Michigan	2000 -
"Are parental depressive symptoms linked to underimmunization of young children?" Grand Rounds, Department of Pediatrics, University of Michigan	2001
"Smallpox: new challenges from an old foe," Grand Rounds, Department of Pediatrics, University of Michigan	2002

"The Medicare Prescription Drug Improvement and Modernization Act of 2003: Policy Implications." Faculty panelist, University of Michigan.	2004
"Obesity trends during childhood and adolescence: insights for clinicians and policymakers", Grand Rounds, Department of Pediatrics, University of Michigan	2005
"Obesity trends during childhood and adolescence: findings from the PSID-CDS", invited speaker, Series on the Panel Study of Income Dynamics, Institute for Social Research, University of Michigan	2005
"Are the best vaccines still ahead, or already behind us? Costs, contradictions, and controversies in childhood immunization," Grand Rounds, Department of Pediatrics and Communicable Diseases	2008
"Health and Health Care in Michigan," Seminars in Medicine for M3 curriculum, University of Michigan Medical School	2008
"Health Care Reform Proposals of the 2008 Candidates for President," Seminars in Medicine for M3 curriculum, University of Michigan Medical School	2008
"Health Care Platforms of the 2008 Presidential Candidates," expert panel convened by the Roosevelt Institution, University of Michigan	2008
"Policy Advice for the Newly Elected President," expert panel convened by Dean Susan Collins of the Gerald R. Ford School of Public Policy, University of Michigan	2008
"When Families Refuse Vaccines," presentation to the Health Sciences Scholars Program for Undergraduates, University of Michigan	2009
"Dilemmas in Development and Delivery of Vaccines," Bioethics Grand Rounds, University of Michigan Health System.	2009
"Health Care Reform in the US Under President Obama and a Democratic Congress," Special Guest Lecturer, Program in Public Policy and International Affairs, University of Michigan	2009
"Fresh Challenges in Development and Delivery of Vaccines," Grand Rounds, Department of Pediatrics and Communicable Diseases, University of Michigan	2009
"Health Care Reform: Proposals, Politics, and Prospects," Special Panel Symposium, Gerald R. Ford School of Public Policy, University of Michigan	2009
"What Type of Health Care Reform Would be Best for Primary Care?" Featured Speaker for Primary Care Week, University of Michigan Medical School	2009
"Financing Development of Drugs and Vaccines for Neglected Diseases," Faculty Commentator, Gerald R. Ford School of Public Policy, University of Michigan	2010
"Making Sense of Health Policy Reform: Latest Events, Greatest Hopes," Grand Rounds, Department of Pediatrics and	2010

Communicable Diseases

"(False) Summits and (True) Profits: Health Care Reform in the United States," Grand Rounds, Department of Internal Medicine	2010
"Public Preferences for Participation in Medical Research," Grand Rounds, Department of Pediatrics and Communicable Diseases	2011
"Quality of Health Care and the Affordable Care Act," guest speaker in Health Care Reform in the U.S., taught by Jill Horwitz at University of Michigan Law School	2011
"Policy Analysis vs Policy Advocacy," guest speaker in HMP 615-Introduction to Public Health Policy at University of Michigan School of Public Health	2011
"Presidents, Precedents, and Healthcare Reform in the United States," Guest Lecturer in History 234 for undergraduate students at University of Michigan; lead faculty: Joel Howell, MD, PhD	2012 -
"Teen Pregnancy, Infant Mortality and the Public Voice: New Approaches to Old Problems at the Nexus of Maternal and Child Health," Grand Rounds, Department of Obstetrics and Gynecology, University of Michigan Health System	2012
"Priorities for the Health and Healthcare of Michigan's Children: Perspectives from Lansing," Grand Rounds, Department of Pediatrics and Communicable Diseases, University of Michigan Health System	2013
"Presidential Politics for 2016: How Will Health Policy Play a Role?" Grand Rounds, Department of Anesthesiology, University of Michigan Health System	2015
"Health Policymaking in Michigan: a View from the Inside," Grand Rounds, Department of Pediatrics and Communicable Diseases, University of Michigan Health System	2015

Courses and Seminars

Primary Care Internal Medicine weekly morning report, Brigham & Women's Hospital, Boston, Massachusetts	1997
Internal Medicine resident journal club, faculty lead, University of Chicago	1999 - 2000
"Introduction to the Patient: Health Policy," small group section leader, Year 2 curriculum, University of Michigan Medical School	2001
"Medical Decision-Making," small group section leader, Year 2 curriculum, University of Michigan Medical School	2001 - 2003
Public Policy 740, Gerald R. Ford School of Public Policy: "Issues in Child and Family Health Policy," a full-semester, 3-credit course for master's level students	2002 - 2006
"Threats to Successes in Child Health Policy in the United States," instructor for health policy module in the Public Policy and International Affairs program for minority undergraduates at Gerald R. Ford School of Public Policy, University of	2003 - 2004, 2008

Michigan	
"Health Economics and Health Policy," lead instructor for segment of Clinical Foundations of Medicine course, Years 1, 2, and 3 curriculum, University of Michigan Medical School	2006 -
Public Policy 700, Gerald R. Ford School of Public Policy: "Independent Study" for master's level students as 3-credit, full-semester course	2006 -
Public Policy 768, Gerald R. Ford School of Public Policy: "Efforts at Health Care Reform in the United States – Past, Present, and Future," a full-semester, 3-credit course for master's-level students	2008, 2010, 2012, 2013
Public Policy 495, Gerald R. Ford School of Public Policy: "Principles and Realities of Health Care Reform," a full-semester, 3-credit course for upper-level undergraduate students	2008
Health and Health Care Research 740 and 741, Rackham School of Graduate Studies, "Research on Organization, Financing, and Delivery of Health Care," two full-semester 3-credit courses for physician-investigators-in-training	2008 -
"Containing Health Care Costs," originator and lead instructor for annual M2 elective course, 6 hours of class time	2010 - 2014
"History of Health Care Reform in the United States," instructor for health policy module in the Public Policy and International Affairs program for minority undergraduates at Gerald R. Ford School of Public Policy, University of Michigan	2011, 2013, 2015
"Understanding and Improving the US Healthcare System," lead developer and lead faculty for massive open online course provided on the global Coursera platform	2013 -
Public Policy 750, Gerald R. Ford School of Public Policy: "Medicaid as an Innovative and Challenging Safety Net," a half-semester, 1-credit course for master's-level students	2015

Clinical Mentorship

Internal Medicine & Pediatrics residency program, weekly resident continuity clinic preceptor at Canton Health Center, University of Michigan	July 2000 - December 2006
Internal Medicine & Pediatrics residency program, *ad hoc* resident continuity clinic preceptor at Canton Health Center, University of Michigan	January 2007 -

Research Mentorship

Internal Medicine & Pediatrics residency program, resident research mentor, University of Michigan (1-3 residents mentored each academic year)	July 2000 -
Core Faculty, Pediatric Health Services Research Fellowship Program, Division of General Pediatrics, University of Michigan	July 2000 -

(1-4 fellows mentored each academic year)

Affiliated Faculty, Robert Wood Johnson Clinical Scholars Program, University of Michigan (1-2 fellows mentored each academic year)	July 2000 - June 2004
Core Faculty, Robert Wood Johnson Foundation Clinical Scholars Program, University of Michigan (3-10 fellows mentored each academic year)	July 2004 -

COMMITTEE AND ADMINISTRATIVE SERVICE

Admissions Committee, Harvard Medical School	1991 - 1992
Residency Selection Committee, Harvard Combined Program in Medicine and Pediatrics	1994 - 1998
Member, Residency Selection Committee, Departments of Pediatrics and Communicable Diseases and Internal Medicine, University of Michigan	2002 - 2006
Member, Resident Research Committee, Department of Pediatrics, University of Michigan	2003 - 2006
Member of Judging Panel, Annual Resident Research Day, St. Joseph Mercy Hospital, Ann Arbor, Michigan	2004 - 2005
Member, 2006 Annual Meeting Planning Committee, AcademyHealth	2005 - 2006
Lead Faculty Advisor, Medical School and Gerald R. Ford School of Public Policy Dual Degree MD/MPP Program, University of Michigan	2006 -
Pediatric Clinical Research Committee, University of Michigan	2008
Member, External Planning Committee, Annual National Immunization Conference	2008 - 2009
Faculty Lead, Medical School coursework in Health Policy and Health Economics, M1-M3 years, University of Michigan	2008 -
Member, Instructional Track Appointments, Promotions, and Tenure Committee, Department of Pediatrics and Communicable Diseases, University of Michigan	2010 - 2014
Member, Grand Rounds Committee, Department of Pediatrics and Communicable Diseases, University of Michigan	2010 - 2012
Member, Child Health Initiative Working Group, Michigan Institute for Clinical and Health Research (MICHR), University of Michigan	2010 - 2011
Member, Search Committee, Founding Director of the Institute of Healthcare Policy and Innovation, University of Michigan	2010 - 2011
Member, Harvard Medical School Alumni Council	2011 - 2014
Co-Chair, Inaugural Events for the Institute for Healthcare Policy and Innovation, University of Michigan	2012 - 2013
Member, Research and Policy Committee, Center for Healthcare Research and Transformation	2012 -
Member, Selection Committee for the Michigan Institute of Clinical and Health Research (MICHR) Mentor Award	2013 -
Member, Institute Leadership Team, Institute for Healthcare Policy	2013 -

and Innovation, University of Michigan

Member, Search Committee for Associate Dean for Clinical and Translational Research, University of Michigan — 2015

EXTRAMURAL INVITED PRESENTATIONS

"Methodological issues in the application of quality-adjusted life-years to interventions regarding children." Presentation at Environmental Protection Agency of white paper submitted as background for the *Child Health Evaluation Handbook,* Washington, DC. — June 2001

"Vaccine shortages and vaccine economics." Presented at the National Immunization Program, Centers for Disease Control and Prevention, Atlanta, GA. — March 2002

"Increasing costs of public-sector purchase of childhood vaccines." Presented at the National Immunization Program, Centers for Disease Control and Prevention, Atlanta, GA. — March 2003

"Insurance transitions for children and adults." Grand Rounds, Harvard Combined Program in Internal Medicine and Pediatrics, Boston, MA. — June 2003

"Adult vaccine benefit coverage in employer-sponsored health plans." Presented at the National Immunization Program, Centers for Disease Control and Prevention, Atlanta, GA. — March 2004

"Insurance coverage of vaccines." Presented to the National Vaccine Advisory Committee, Washington, DC. — February 2005

"Considering the costs of vaccines." Presented at the National Immunization Program, Centers for Disease Control and Prevention, Atlanta, GA. — March 2005

"Old challenges, new opportunities in insurance coverage for adult vaccines." Presented to the National Vaccine Advisory Committee, Washington, DC. — November 2005

"Addressing children's underinsurance through policy-relevant research." Presented within Pediatric Academic Societies Topic Symposium, "From Health Services Research to Public Policy," at annual PAS meeting, San Francisco, CA. — May 2006

"Counting the costs of childhood obesity." Grand Rounds, Department of Pediatrics, Beaumont Hospital, Royal Oak, MI. — October 2006

"Vaccine financing strategies and industry research opportunities: the global perspective." Plenary presentation at the World Vaccine Congress, Washington, DC. — April 2009

"Innovation Bridge: New vaccines, new partnerships." Plenary presentation at the Developing Country Vaccine Manufacturers Network 10th annual meeting, Beijing, China. — September 2009

"Health care reform in the United States." Featured speaker at town hall meeting, Northville, MI. — October 2009

"Opportunities for health care reform during the Obama — November 2009

administration." Featured speaker at quarterly meeting of the Washtenaw County Medical Society, Ann Arbor, MI.	
"A critical examination of legislative options for health care reform." Department of Internal Medicine Journal Club, Saint Joseph Mercy Health System, Ann Arbor, MI.	December 2009
"Making sense of health policy reform." Grand Rounds, Department of Internal Medicine, Saint Joseph Mercy Hospital, Ann Arbor, MI.	March 2010
"Fresh challenges in the development and delivery of vaccines." Grand Rounds, Department of Pediatrics, Beaumont Hospital, Royal Oak, MI.	June 2010
"Illuminating the global R&D pipeline for prophylactic vaccines." Featured speaker, special presentation, International AIDS Vaccine Initiative, New York, NY.	December 2010
"Understanding challenges and opportunities in research and development of prophylactic vaccines." Featured guest lecturer, Bloomberg School of Public Health, The Johns Hopkins University, Baltimore, MD.	March 2011
"Characterizing and understanding the R&D pipeline for prophylactic vaccines." Presented at National Center for Influenza and Respiratory Diseases, Centers for Disease Control and Prevention, Atlanta, GA.	April 2011
"National Voices Project." Featured panel presenter at America Healing national meeting of grantees of the W.K. Kellogg Foundation, Asheville, NC.	May 2011
"Failings in pediatrics (and what health services research can do about them)." Featured faculty presenter, 1st Annual Child Health Services Research Symposium, Indiana University Purdue University at Indianapolis, Indianapolis, IN.	September 2011
"Addressing significant unmet needs through world class vaccine pipelines." Featured plenary speaker, World Vaccine Congress, Lyon, France.	October 2011
"Challenges and opportunities in research, development and financing of prophylactic vaccines." Featured guest lecturer, Bloomberg School of Public Health, The Johns Hopkins University, Baltimore, MD.	February 2012
"Challenges and successes in new vaccine development for adults." Grand Rounds speaker, Saint John's Hospital, Detroit, MI.	October 2012
"National Voices Project." Featured panel presenter at America Healing national meeting of grantees of the W.K. Kellogg Foundation, Asheville, NC.	April 2013
"Clinical implications of healthcare reform for academic medical centers." Association of Academic Internal Medicine annual meeting, New Orleans, LA.	October 2013
"Making progress but losing ground: the quicksand of infant mortality in the United States." Snyder Memorial Lecture, Swarthmore College, Swarthmore, PA.	March 2014
"The Million Hearts Initiative: Can the Affordable Care Act	May 2014

deliver?" Million Hearts Initiative Workshop, Okemos, MI.

"What if we asked the public?" Grand Rounds presentation, Royal Children's Hospital, Melbourne, Australia. — August 2014

"Infant mortality as a state health priority and key index of population health in Michigan." Health Policy guest lecturer, Oakland University William Beaumont Medical School, Troy, MI. — October 2014

"Health services research and impact of the field of infant mortality research." Keynote speaker, annual meeting of the Midwest Society of Pediatric Research, Cleveland Clinic, Cleveland, OH. — October 2014

"What if we asked the public? Measuring attitudes, influencing policy." Grand Rounds presentation, Children's Hospital, Boston, MA. — January 2015

"From affecting to effecting health policy: focusing on population health as a physician, researcher, and government official." Grand Rounds presentation, Brigham & Women's Hospital, Boston, MA. — January 2015

"Importance of addressing neonatal abstinence syndrome in Michigan." Keynote address for statewide symposium: NAS—Primary and Secondary Prevention; a Team Approach. Okemos, MI. — May 2015

"In the belly of the policy beast: Data, debate, and the value of the academic voice." PolicyLab Seminar presentation, Children's Hospital of Philadelphia, Philadelphia, PA. — May 2015

"MHA Keystone Pain Management: Why, who, what, how?" Keynote address, Michigan Health and Hospitals Association Keystone Symposium, Dearborn, MI. — May 2015

SELECTED OTHER PRESENTATIONS

"Parental depression as a determinant of undervaccination among preschool-aged children." Plenary presentation, Robert Wood Johnson Clinical Scholars Program annual meeting, Ft. Lauderdale, FL. — November 2000

"The future of childhood vaccine costs in the public sector." Platform presentation, Robert Wood Johnson Clinical Scholars Program annual meeting, Ft. Lauderdale, FL. — November 2001

"Cost-effectiveness analysis of immunization strategies regarding smallpox bioterrorism." Platform presentation, Society of General Internal Medicine annual meeting, Atlanta, GA. — May 2002

"State-level demographic, economic, and political factors associated with children's vaccination rates." Oral presentation, AcademyHealth annual meeting, Washington, D.C. — June 2002

"Factors associated with transitions in children's health insurance." Platform presentation, Pediatric Academic Societies annual meeting, Seattle, WA. — May 2003

"Projected economic impact of childhood vaccine shortages." — May 2003

Platform presentation, Pediatric Academic Societies annual meeting, Seattle, WA.

"Decline in varicella-related hospitalizations and expenditures after introduction of varicella vaccine." Platform presentation, Pediatric Academic Societies annual meeting, San Francisco, CA.	May 2004
"State school and daycare entry laws associated with higher varicella immunization rates." Platform presentation, Pediatric Academic Societies annual meeting, San Francisco, CA.	May 2004
"Healthcare utilization and expenditures associated with adults' transitions in health insurance status." Platform presentation, Society of General Internal Medicine annual meeting, Chicago, IL.	May 2004
"Preferences and tradeoffs for preventive services in health plans." Platform presentation, Society of General Internal Medicine annual meeting, Chicago, IL.	May 2004
"Attitudes of medical subspecialists regarding influenza vaccine." Oral presentation, National Immunization Conference, Nashville, TN.	March 2004
"Benefits coverage for adult vaccines in employer-sponsored health plans." Oral presentation, National Immunization Conference, Nashville, TN.	March 2004
"Assessing the potential effect of programmatic changes in Medicaid and SCHIP on children's uninsured rates." Research panel presentation at the 2005 annual Child Health Services Research Meeting of AcademyHealth, Washington, D.C.	June 2005
"How many successes and how many failures? Vaccine development in the United States, 1995-2008." Oral presentation, National Immunization Conference, Dallas, TX.	March 2009
"How many successes and how many failures? Vaccine development in the United States, 1995-2008." Oral symposium presentation, Pediatric Academic Societies annual meeting, Baltimore, MD.	May 2009
"Implications of national health care reform for the University of Michigan Health System." Presentation to the Regents of the University of Michigan.	May 2010
"Implications of racial/ethnic diversity for health in the United States—2030." Featured speaker, Society 2030 meeting, Institute for Social Research, University of Michigan.	June 2011
"Focusing on passion, difference, and service." Keynote presentation at graduation of the Michigan Health Sciences Summer Institute / Undergraduate Research Academy, University of Michigan.	August 2014

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110) Clark SJ, Kauffman AD, Singer DC, Matos-Moreno A, **Davis MM.** Parents conflicted about how to label, punish cyberbullying. C.S. Mott Children's Hospital National Poll on Children's Health, University of Michigan. Vol 24, Issue 4, September 2015. Available at: http://mottnpch.org/reports-surveys/parents-conflicted-about-how-label-punish-cyberbullying.

Opinion/Editorial Publications in Lay Press (non-peer-reviewed)

1) **Davis MM.** Expanding kids' care won't socialize medicine. *The Detroit News.* October 10, 2007.
2) Osta AD, **Davis MM.** 'Going green' means gasping for air. *The Detroit News.* January 9, 2008.
3) Tarini BA, **Davis MM.** Laws won't erase genetic dilemmas. *The Detroit News.* May 28, 2008.
4) **Davis MM.** Use Michigan's existing tobacco laws to cover e-cigarettes. *The Detroit Free Press.* May 6, 2014.

Eric P. Rothstein, CPA

Principal

Education

MA, Economics, University of California-Davis, 1983
A.B., Economics, Ripon College, 1981

Distinguishing Qualifications

- Experienced Project Manager that has established strategic financial plans and designed rates for some of the nation's largest, most complex infrastructure programs and has secured acceptance of major, multi-year rate increases in politically charged environments.
- Expert in regionalization, facilitation of complex decisions affecting diverse stakeholder groups, evaluation of public/private partnerships, and strategic business planning.
- National leadership roles in the water industry including the Water Environment Federation (WEF) Utility Management Committee and American Water Works Association's (AWWA) Competitive Practices and Rates and Charges Committees.

Expert Witness Depositions and Testimony

- Direct Testimony by Declaration (2014) - Superior Court Of California, County of Los Angeles, Central District, Cities of Cerritos, Downey and Signal Hill vs. Water Replenishment District of Southern California, Lead Case No. Bs128136
- Expert Witness Testimony (2013) – Nova Scotia Utility and Review Board: In the Matter of a Joint Application by the Halifax Regional Water Commission and the Halifax-Dartmouth Bridge Commission for a Determination of Appropriate Charges Related to the Use of the Angus L. Macdonald. (M06127)
- Expert Report (2013) - San Diego County Water Authority v. Metropolitan Water District of Southern California, Case No: CPF-10-510830 and CPF-12-512466, Superior Court of California, County of San Francisco, regarding rate setting challenges.
- Expert Witness Testimony (2013) –Hawaii Public Utilities Commission, In the Matter of the Application of Hawaiian Beaches Water Company, Inc., for review and approval of rate increases; revised rate schedules, Docket No. 2013-0203.
- Deposition And Expert Witness Testimony (2013): United States Bankruptcy Court, Northern District Of Alabama, Southern Division, In Re: Jefferson County, Alabama, a political subdivision of the State Of Alabama, Debtor, Case No.: 11-05736-Tbb, Chapter 9, The Bank Of New York Mellon as Indenture Trustee, et al., Plaintiffs v. Jefferson County, Alabama, Defendant, AP No.: 12-00016-Tbb,
- Expert Witness Testimony (2013) – Nova Scotia Utility and Review Board: Application for the Approval of a Schedule of Rates and Charges and Schedule of Rules and Regulations for the Delivery of Water, Wastewater and Stormwater Services, Matter No. M05463

- Expert Witness Testimony (2012) - Public Service Commission of Wisconsin: Application of City of Waukesha Water Utility, Waukesha County, Wisconsin, for Authority to Increase Water Rates Docket No. 6240-WR-107

- Expert Witness Testimony (2009-2011) – United States District Court, Northern District of Georgia, Atlanta Division, United States of American and the State of Georgia, Plaintiffs v. The City of Atlanta, Defendant, Civil Action File No. 1-98-CV-1956-TWT. (various hearings re: Schedule Extension, Service Delivery Strategy)

- Expert Witness Testimony (2012) – Public Service Commission of Wisconsin: Application of Oak Creek Water and Sewer Utility For Authority to Increase Water Rates, Docket No. 4310-WR-104

- Expert Witness Testimony (2011) – Nova Scotia Utility and Review Board: Application of the Halifax Regional Water Commission for approval of a Cost of Service and Rate Design Methodology (NSUARB-W-HRWC-R-11)

- Expert Witness Testimony (2010, 2014) – Public Service Commission of Wisconsin: Application of Milwaukee Water Works, Milwaukee Water Works, Milwaukee County for Authority to Increase Water Rates, Docket No. 3720-WR-107 and Docket No. 3720-WR-108

- Deposition (2010): The Bank of New York v. Jefferson County, Alabama, Civil Action No. CV-2009-02318.
- Expert Witness Testimony (2009) – Illinois Commerce Commission, Illinois-American Water Company, Proposed general increase in water and sewer rates, Docket No: 07-0507

- Expert Witness Testimony (2009) - In the Court of Appeals of Georgia; Fulton County Georgia et al. v. City of Atlanta, A08A2364

Selected Key Project Experience

For the U.S. Bankruptcy Court, Eastern District of Michigan, Southern Division Eric Rothstein has served as an independent utility advisor for mediation related to the creation of the Great Lakes Water Authority (GLWA). Following execution of a Memorandum of Understanding and Articles of Incorporation by the Incorporating Municipalities (City of Detroit, Macomb, Oakland and Wayne counties, and the State of Michigan), Mr. Rothstein was appointed to serve as Implementation Planning Program Manager for the standup of the GLWA – a regional utility serving approximately 40% of the population of the State of Michigan.

For **Water Replenishment District of Southern California**, Eric Rothstein was engaged to provide an expert report related to the consistency of the District's rate setting requirements with industry-standard practices contemplating proportionate distribution of cost responsibilities based on cost causation. These practices are consistent with prescripts of State of California law.

For Jefferson County, Alabama, Eric Rothstein has served as the County's rate consultant since 2010. He has reviewed cost-of service analyses and alternative rate proposals to address the County's outstanding sewer warrant obligations, developed revisions to its sewer rates approved in November 2012, and again in September 2013, and is leading strategic financial planning related to the County's bankruptcy Plan of Adjustment. Mr. Rothstein has been deposed and provided expert witness testimony in various court proceedings stemming from the County's declaration of bankruptcy in 2011, and has led development of a Municipal Advisor Report related to a planned Series 2013 Sewer Warrant issue to effectuate the County's exit from bankruptcy.

For the **Halifax Regional Water Commission**, Eric Rothstein led development of a Cost of Service and Rate Design report to the Nova Scotia Utility and Accounting Review Board (NSUARB Docket No. NSUARB-W-

HRWC-R-11), in response to the Board's Order and Decision to hold separate hearings to determine appropriate ratemaking methodologies for Canada's first regulated water, wastewater and stormwater utility. Eric led preparation of the report and the development of cost allocation and rate design models to illustrate the implications of alternative methodological approaches. Eric supported development of HRWC's subsequent application for water, wastewater and stormwater rates filed with the NSUARB in December 2012 and provided expert witness testimony in support thereof in April 2012. In April 2014, Eric prepared a HRWC Cost Shares for Use of the Angus L. Macdonald Bridge and provided expert witness testimony in M06127 - Halifax-Dartmouth Bridge Commission/Halifax Regional Water Commission: Waterline on the Angus L. MacDonald Bridge - HDBC-G-14

For the **City of Atlanta**, since 2004, Mr. Rothstein has served as the Department of Watershed Management's primary coordinator for its revenue bond issues used to finance its $3 billion wastewater Consent Decree program. This has included issues in 2004, 2008, 2009 (2), 2013 and 2015 and, in 2006, implementation of its Tax-Exempt Commercial Paper program with a shelf registration of $1.2 billion. Mr. Rothstein led development of the Department's *Financial Capability Based Schedule Extension Request Report* used to secure the City's 13-year extension of its wastewater Consent Decree schedule. He prepared each of the Department's Financial Capability Assessment filings. He has led the development and updating of strategic financial planning tools for water and sewer rate development and policy-level consideration of overall program financing strategies (as well as detailed project expenditure, status, and schedule tracking).

For the **Egyptian Ministry of Housing, through a USAID contract**, Mr. Rothstein developed guidance on tariff setting, capital project prioritization, and strategic planning for the newly established water and wastewater sector regulatory agency. The project involved the development of a guidance manual, detailed financial planning and cost-of-service analysis modeling, and testing of financial analysis and prioritization tools with four major Egyptian utilities. Mr. Rothstein has also provided presentations on financial planning and strategic planning principles to USAID staff and Technical Assistance contractors.

For the **Milwaukee Wholesale Customers**, through sub-contracts with SHEH, Inc., Mr. Rothstein reviewed the Milwaukee Water Works rate increase applications filed in 2010 and 2014, reviewed pre-filed testimony, and offered expert witness testimony related to revenue requirements and appropriate rates of return at hearings before the Wisconsin Public Service Commission.

For several wastewater permittees facing Consent Decrees including the **City of Akron, East Bay Municipal Utility District, Northeast Ohio Regional Sewer District, Metropolitan Sewer District of St. Louis, and the City and County of Honolulu**, Mr. Rothstein has assisted in the conduct of financial capability assessments per EPA prescribed methodologies and in the development of alternative approaches to assessment that more appropriately reflect utility capital financing options. These efforts have been used in the formulation of negotiation positions related to the scope and schedule of potential Consent Decree provisions. Mr. Rothstein is currently engaged with the **City of Peoria, IL** and with the **Guam Waterworks Authority**, in similar Consent Decree negotiations.

For the **National Association of Clean-Water Agencies**, Mr. Rothstein has served as Principal Author for the development of several of the association's white papers and publications related to Financial Capability Assessments used to develop wastewater Consent Decree schedules. These publications include NACWA's *Financial Capability and Affordability in Wet Weather Negotiations* (2007), and *The Evolving Landscape for Financial Capability Assessment: Clean Water Act Negotiations and the Opportunities of Integrated Planning* (2013). These papers provide critical reviews of the U.S. Environmental Protection Agency's (EPA's) established policies and guidance on financial capability assessments for wet weather programs and offers practical guidance for negotiations on enforcement policies and practices related to consideration of financial capability.

For the **City of Winnipeg, Manitoba**, Mr. Rothstein served as Project Manager for a comprehensive cost-of-service rate studies for the City's water, wastewater and stormwater systems conducted in 1997 and 2012. In 1997, the consulting team facilitated decision-making through an extensive public involvement process that featured monthly meetings of a Citizen's Advisory Committee comprised of a diverse set of stakeholder representatives. For both studies, detailed cost allocation analyses were conducted and customized computer rate analysis models developed to facilitate rate updating for budgetary changes, revision to cost allocations, and rate design modifications.

For **Augusta-Richmond County, Georgia,** Mr. Rothstein has provided strategic financial planning, bond feasibility and comprehensive cost-of-service rate assistance since 2000. Strategic financial planning facilitated the City's adoption of a seven-year, 11 percent per annum rate increase schedule to support infrastructure re-investment in excess of $400 million. Mr. Rothstein managed 3 bond feasibility studies over the course of the program implementation, helping the County to secure strong credit ratings and favorable financing. A cost-of-service study in 2004 involved special queries of a new billing system for development of user characteristic data and consideration of specific cost assignments for previously unsewered portions of the County's wastewater system.

Previous to his work as a utility management consultant, Mr. Rothstein served in several financial management positions for the **City of Austin, Texas**. In this capacity, he directed staffs of up to 22 members in utility ratemaking, evaluation of regionalization alternatives and proposed utility investments, analysis of capital financing options, internal control evaluation, and revenue forecasting.

Certifications / Professional Licenses

Certified Public Accountant
Oregon License No. 7998, June 1995

Membership in Professional Organizations

American Water Works Association
- Strategic Management Practices Committee
- Rates and Charges Sub-Committee
    - Chair, *Water Rate Structures and Pricing*, AWWA M34
    - Member, *Water Rates*, AWWA, M1

International Water Association
- Economics and Statistics Specialist Group
- Editorial Board, Utility Management International (2008-2012)

National Association of Clean Water Agencies
- Utility Management Committee

Water Environment Federation
- Utility Management Committee
    - Chair, Finance and Administration Sub-Committee
    - Chair, *Financing and Charges for Wastewater Systems* (M27), Manual of Practice Task Force
    - Coordinator, Asset Management Hot Topics Workshops, 2005 – 2007
- Technical Practice Committee, Vice Chair

Selected Publications

Sustainability Reporting Statements for Wastewater Systems, WEF Special Publication, October 2012 (Task Force Chair, Chapter 1 Author)

"The Business Case for Low Income Affordability Programs," Proceedings of the AWWA-WEF Utility Management Conference, Miami, FL, February 2012.

GBMSD's Strategic Planning: A Portfolio Management Approach to Effective Utility Management" with Tom Sigmund, Proceedings of the AWWA-WEF Utility Management Conference, Miami, FL, February 2012.

"Financial Sustainability in an Uncertain World" with Debbie Galardi, *Water Utility Management International*, vol. 6, issue 4 (December 2011) pp. 23-27.

"Developing A Financially Sustainable Capital Program to Meet Consent Decree Requirements", *Proceedings of the Water Environment Federation Technology Exposition and Conference (WEFTEC), October 2009*

"Regionalization of Water Service in Central Florida: Capacity Rights Contracting for the Yankee Lake WTF", *Proceedings of the American Water Works Association (AWWA) Annual Conference and Exposition, June 2007 and the Florida Water Resources Conference,* April 2007

"Affordability Tools," Section 8: *Affordability Special Publication*, Water Environment Federation, 2007

"Tough Choices in Paradise: Capital Project Prioritization on Oahu," with Ross Kaneko, Barry Usagawa, Scott Muraoka and Jason Takaki, *Proceedings of the American Water Works Association (AWWA) – Water Environment Federation (WEF) Joint Management Conference*, February 2007 and *Proceedings of the American Water Works Association (AWWA) Annual Conference and Exposition*, June 2007.

"Financial Sustainability As A Foundation For Infrastructure Development And Management: Best Practices" with Debbie Galardi, Water Utility Management International, vol. 2, issue 1 (March 2007) pp. 10-13

Selected Presentations / Seminars

"Exit from Bankruptcy: Jefferson County, Alabama's Historic Plan of Adjustment and $1.7 Billion Sewer Warrant Issue Sustainability Reporting Statements for Wastewater Systems", Utility Management Conference, Austin, TX, February 2015.

"The Business Case for Sustainability Reporting", Sustainability Reporting Statements for Wastewater Systems Special Publication Workshop, WEFTEC 2013, October 2013.

"Building Support for Rate Increases" Central States Water Environment Federation, May 17, 2013

"Which Direction is Your Utility Heading", 2012 Illinois City Managers Association, Galena, Illinois, June 28, 2012

"Financial Sustainability in an Uncertain World", Illinois AWWA, March 2012

"Doing More With Less: Financial Planning and Management in Stressful Times", Central States Water Environment Federation Wisconsin Government Affairs Seminar, February 23, 2012

"Financing Water Utilities' Sustainability Initiatives: Challenging Institutionalized Governance and Market Failures" with Debbie Galardi, Proceedings of the 2012 AWWA Water Sustainability Conference, Portland, Oregon, March 2012.

"Building Support for Rate Increases", 2012 Central States Water Environment Association (CSWEA) Government Affairs Seminar, Madison, WI, February 2012.

"A Season on The Brink: Atlanta's Financial Capability Based Consent Decree Extension" presented at the 2011 AWWA-WEF Utility Management Conference, Denver, CO, February 2011.

"Making Wet Weather Affordable: Never Let A Good Crisis Go To Waste", National Association of Clean Water Agencies Winter Conference, Fort Lauderdale, FL, January 2011.

"Water Efficiency Programs: Risk Management for an Uncertain World", Wisconsin Water Association Conservation Seminar, September 2011.

"Financial Capability Assessment Revisited: Structuring Consent Decrees To Recognize Capital Financing Constraints And Market Change" presented at the 2010 AWWA-WEF Utility Management Conference, San Francisco, CA, February 2010.

"Rock River Water Reclamation District Strategic Financial Planning", Illinois Association of Wastewater Agencies, September 17, 2009

"Socially Responsible Investment in Water Quality: Balancing Community Priorities and Pricing", American Water Works Association Annual Conference and Exposition, Atlanta, GA, June 2009.

"Adaptive Financial Management", CSO Partnership, Chicago, April 2009

"Capital Financing Strategies and Constraints: Lessons of the Political Economy ", National Association of Clean Water Agencies Winter Conference, Atlanta, GA, February 2009.

"Atlanta's Water and Wastewater System Financing: An Update", American Water Works Association Annual Conference and Exposition, Atlanta, GA, June 2008.

"Inside/Outside Rates: Forthcoming Refinements in the M1 Manual", American Water Works Association Annual Conference and Exposition, Atlanta, GA, June 2008.

"Financial Capability Assessments & Affordability: Implications of EPA Criteria", American Water Works Association Annual Conference and Exposition, June 2007

"Proven Financial Management Fundamentals Demonstrated Through National & International Case Studies" presented at the Illinois Section, American Water Works Association conference, Springfield, IL, March 2007

"National Trends Define Strategic Planning Imperatives," presented at the Wisconsin Section, American Water Works Association conference, Wisconsin Dells, WI, September 2006, and Wisconsin Water Environment Association Government Affairs seminar, Madison, WI, March 2007.

"Financial Capability and the Cost of Clean" presented at the National Association of Clean Water Agencies, Winter Conference, St. Petersburg, FL; February 2007.

To: Governor Rick Snyder
From: JA
Re: Flint After Action Meeting
Date: October 20, 2015

Governor,

Attached is a draft press release to be reviewed with the after action team tomorrow morning.

In addition, Rich & Harvey are vetting & reaching out to potential Flint resident to join the task force:

1) Dr. Lawrence Reynolds, MD of Mott Children's Hospital, long standing and respected member of the Flint community, speaks his mind and very professional.

Rich will invite him to the meeting tomorrow by phone or in person.

Attached are resumes for Kolb, Dr. Davis, and Eric Rothstein.

Draft Agenda:

1) Introductions
2) Mission of Task Force
3) Background Info
4) Discussion of Timeline
5) Q & A from Task Force Members
6) Communications Strategy/Review Press Release

Suggested Goals for Task Force:

1) Thorough review of all steps taken in Flint regarding switch to Flint River and back GLWA.
    a. Create Timeline of actions
    b. Establish why each action was taken
2) Review of role of Feds, EM, State, City Council, and Mayor in process.
    a. Establish best practices for Feds, State, Local, and EM to work together in future situations
    b. Indicate where coordination could have been and should be improved
3) Review of DEQ & DHHS actions & protocols
    a. Did DEQ & DHHS follow the proper procedures?
    b. Do the procedures need to change?
4) Provide guidance for switch back to GWLA
    a. Ensure proper corrosion controls & testing is in place
    b. Highlight steps for eventual switch to Karegnondi
5) Testing Beyond Flint
    a. What practices need to change in communities outside of Flint?
    b. What change in law is recommended to ensure all Michiganders are drinking clean water?

Suggested Timeline:

The task force members have indicated that 2 months is the earliest possible time to properly conduct a full after action report. In reality, they suggest 3 months is more feasible. Given the holidays, a 2 month timeline puts us roughly right around Christmas. I would suggest we set a 3 month goal.

Oct 21: After Action Team Announced
Jan 8: Preliminary After Action Report Submitted for Internal Review
Jan 22: Final After Action Report Submitted
Week of January 25: Report Released

RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

BRIAN CALLEY
LT. GOVERNOR

Contacts: Sara Wurfel or Dave Murray 517-335-6397	**FOR IMMEDIATE RELEASE** Wednesday, Oct. 21, 2015

Gov. Rick Snyder announces formation of Flint Water After Action Report Commission

Experts will provide ongoing monitoring of city water system

LANSING, Mich. – Gov. Rick Snyder today announced a new task force to review the state's actions regarding water usage and testing in Flint. The commission will conduct a thorough review and lay out recommendations on future guidelines for water testing. It will also monitor the transition of Flint's city water system back to the Great Lakes Water Authority, and its eventual transition to the Karegnondi Water Authority pipeline.

The commission will be co-chaired by Ken Sikkema of Public Sector Consultants and Chris Kolb, of the Michigan Environmental Council. Also serving will be Dr. Matthew Davis of the University of Michigan Health System, and Eric Rothstein, of the Galardi Rothstein Group.

"As stated previously, transitioning back to the Great Lakes Water Authority is a good first step to protecting public health in Flint, but it's not the last step," Snyder said. "Bringing in outside experts to evaluate our actions and help monitor and advise on technical issues will be key to continuing work on the comprehensive action plan and ensuring safe drinking water for all the citizens of Flint."

Ken Sikkema is a senior policy fellow at Public Sector Consultants, where he specializes in public finance, environment, and energy policy. Prior to joining the firm, Sikkema served in both the Michigan House and Senate, culminating with four years as Senate Majority Leader. He has also served as both an adjunct and visiting professor at Grand Valley State University.

Chris Kolb is president of the Michigan Environmental Council, a statewide coalition of 70 environmental, public health and faith-based nonprofit groups. Before joining the MEC, Kolb represented Ann Arbor in the state House for six years and served eight years on the Ann Arbor City Council. He has been president of the MEC for eight years.

Matthew Davis, M.D., M.A.P.P., is Professor of Pediatrics and Internal Medicine at the University of Michigan Health System and Professor of Public Policy at the Gerald R. Ford School at the University of Michigan, having joined the faculty in 2000. He is the founding Director of the C.S. Mott Children's Hospital National Poll on Children's Health and the National Voices Project. Dr. Davis also previously served as the Chief Medical Executive of the Michigan Department of Community Health/Department of Health and Human Services.

Eric Rothstein is a national water issues consultant and principal at the Galardi Rothstein Group. He served as an independent advisor on the creation of the Great Lakes Water Authority. Rothstein also has served as Jefferson County, Alabama's rate consultant and municipal advisor for litigation related to the county's bankruptcy and issuance of $1.7 billion in sewer warrants and led strategic financial planning for the City of Atlanta's Department of Watershed Management. He has more than 30 years of experience in water, wastewater and stormwater utility finance and rate-making assessments.

As Gov. Snyder previously stated, reconnecting with the authority will not completely resolve the city's problem with lead service lines or aging infrastructure. It will take time for pipes in Flint to become coated with the phosphate corrosion control.

To best protect public health, state and local authorities will continue to carry out steps outlined on Oct. 2 in a comprehensive action plan, including continued testing, the use of faucet filters and providing residents with accurate information about steps to eliminate lead exposure. The Michigan Departments of Environmental Quality is continuing to provide free water filters, free lead testing through the state laboratory for Flint water customers, and hiring additional staff to conduct health exposure monitoring for lead in drinking water.

####

Subject: RDS/DM/JA/EC/RB/DMurray/HH/DWyant/NLyon/MAnderson - Flint After Action Call
Location: By Phone

Start: Tue 11/24/2015 4:30 PM
End: Tue 11/24/2015 5:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: GovCalendar
Required Attendees: Baird, Richard (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Wisniewski, Wendy (GOV); Hollins, Harvey (GOV); Clayton, Stacie (GOV); Wyant, Dan (DEQ); Thelen, Mary Beth (DEQ); Lyon, Nick (DHHS); Scott, Allison (GOV); Murray, David (GOV); Anderson, Madhu (DEQ)

Call In:
[redacted]

[redacted]

Host: [redacted]– host ALS

Purpose: Per RB

Participants:
Matt Davis, Professor of Pediatrics & Internal Medicine U of M
Chris Kolb, President – Michigan Environmental Council
Ken Sikkema, Senior Policy Fellow – Public Sector Consultants
Eric Rothstein, Principal – Galardi & Rothstein Group
Larry Reynolds, Pediatrician Mott Children's Health Center

Subject: RDS/JA/EC/RB - Conference Call Re: Flint
Location: By Phone

Start: Tue 12/29/2015 10:30 AM
End: Tue 12/29/2015 11:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: GovCalendar
Required Attendees: Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Baird, Richard (GOV); Wisniewski, Wendy (GOV)

Per JA

[redacted]

[redacted]
Host: [redacted]– JA to dial in as host

From: Workman, Wayne (TREASURY)
Sent: Thursday, September 11, 2014 11:59 AM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV)
Cc: Wisniewski, Wendy (GOV)
Subject: FW: Flint water issue

FYI, looks like it is fixed

From: Byrne, Randall (Treasury)
Sent: Thursday, September 11, 2014 11:12 AM
To: Workman, Wayne (TREASURY); Koryzno, Edward (Treasury)
Subject: Flint water issue

Wayne and Ed:

I spoke to Darnell this morning about the water issue. He indicated that they found a broken valve which was the cause of the problem.

Thanks,
Randy,

Randall D. Byrne, Manager, Office of Fiscal Responsibility
State of Michigan 430 W. Allegan St. , Lansing, MI 48922
ByrneR1@michigan.gov (517) 335-2521

Think Green! Don't print this e-mail unless you need to.

CONFIDENTIALITY NOTICE: This e-mail, and any attachments, is for the sole use of the intended recipient(s) and may contain information that is confidential and protected from disclosure under the law. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail, and delete/destroy all copies of the original message and attachments. Thank you.

From: Walsh, John (GOV)
Sent: Thursday, January 29, 2015 5:09 PM
To: Wisniewski, Wendy (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Saxton, Thomas (Treasury)
Cc: Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Rospond, Laurie (GOV); Agen, Jarrod (GOV); Brownfield, Michael (GOV)
Subject: RE: Letter of Appeal for Flint

We can work with the Legislative staff and prepare a response. Please note that Flint will be a recipient of $2 million in awards under the Financially Distressed Cities and Townships program - $900,000 for water and $1.1 million for the incinerator. This has not been announced publicly – Treasury will be circulating internally their overall recommendations late this afternoon or tomorrow morning. We can coordinate how this information might be disseminated with Comms to assist with our messaging in Flint (I added Jarrod to this email chain).

From: Wisniewski, Wendy (GOV)
Sent: Thursday, January 29, 2015 4:55 PM
To: Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Saxton, Thomas (Treasury)
Cc: Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Rospond, Laurie (GOV)
Subject: FW: Letter of Appeal for Flint
Importance: High

FYI

From: Rep. Sheldon Neeley (District 34) [mailto:SheldonNeeley@house.mi.gov]
Sent: Thursday, January 29, 2015 4:02 PM
To: GovernorsOffice
Cc: Posthumus, Dick (GOV); Muchmore, Dennis (GOV); Clyde Edwards; Kiesha Speech
Subject: Letter of Appeal for Flint
Importance: High

Dear Gov. Snyder,
Please find attached my letter of appeal to your office concerning the City of Flint, a place I proudly call home, and now proudly represent as its State Legislator. I look forward to meaningful discussions regarding solutions to the problems that my community now faces, and appreciate a timely response from your office.

For the Love of the Community,

Sheldon Neeley, State Representative
34th District - Flint
N-798 House Office Building
P. O. Box 30014
Lansing, MI 48909
Office: (517) 373-8808
Toll Free: (844) 4-NEELEY
FAX: (517) 373-5997
E-mail: sheldonneeley@house.mi.gov
Web: http://neeley.housedems.com

From: Clayton, Stacie (GOV)
Sent: Friday, January 30, 2015 10:44 AM
To: Wisniewski, Wendy (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV)
Cc: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
Subject: Flint Conference Call

Greetings All,

Harvey would like to schedule a brief conference call today regarding next steps on Flint water matters. Please let me know DM. EC, JW, DP and DM availability for a call:

11:30am
12:00pm
1:00pm
1:30pm
2:00pm
2:30pm
3:00pm

Thank you,
Stacie

From: Clayton, Stacie (GOV)
Sent: Friday, January 30, 2015 10:56 AM
To: Wisniewski, Wendy (GOV)
Cc: Hall, Jean (GOV); Rospond, Laurie (GOV)
Subject: RE: Flint Conference Call

Importance: High

Thank you, everyone.

We are going with 1:30pm. I'll send the appointment now.

Stacie

From: Wisniewski, Wendy (GOV)
Sent: Friday, January 30, 2015 10:48 AM
To: Clayton, Stacie (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV)
Cc: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
Subject: RE: Flint Conference Call

1:30 and 3:00 are the only times that work for both Dennis & Beth

---

From: Clayton, Stacie (GOV)
Sent: Friday, January 30, 2015 10:44 AM
To: Wisniewski, Wendy (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV)
Cc: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
Subject: Flint Conference Call

Greetings All,

Harvey would like to schedule a brief conference call today regarding next steps on Flint water matters. Please let me know DM. EC, JW, DP and DM availability for a call:

11:30am
12:00pm
1:00pm
1:30pm
2:00pm
2:30pm
3:00pm

Thank you,
Stacie

From: Clayton, Stacie (GOV)
Sent: Friday, January 30, 2015 11:03 AM
To: Wisniewski, Wendy (GOV)
Subject: RE: Flint Conference Call

Thank you, will do. Enjoy your afternoon.

Stacie

From: Wisniewski, Wendy (GOV)
Sent: Friday, January 30, 2015 11:02 AM
To: Clayton, Stacie (GOV)
Subject: Re: Flint Conference Call

Stacie - just so you know. I won't be in the office this afternoon so if Dennis doesn't get on the call you might want to call Lynne and see if she can stop by his office and make sure he calls in

Sent from my iPhone

On Jan 30, 2015, at 10:56 AM, "Clayton, Stacie (GOV)" <claytons3@michigan.gov> wrote:

> Thank you, everyone.
>
> We are going with 1:30pm. I'll send the appointment now.
>
> ***Stacie***
>
> ---
>
> **From:** Wisniewski, Wendy (GOV)
> **Sent:** Friday, January 30, 2015 10:48 AM
> **To:** Clayton, Stacie (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV)
> **Cc:** Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
> **Subject:** RE: Flint Conference Call
>
> 1:30 and 3:00 are the only times that work for both Dennis & Beth
>
> ---
>
> **From:** Clayton, Stacie (GOV)
> **Sent:** Friday, January 30, 2015 10:44 AM
> **To:** Wisniewski, Wendy (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV)
> **Cc:** Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
> **Subject:** Flint Conference Call
>
> Greetings All,
>
> Harvey would like to schedule a brief conference call today regarding next steps on Flint water matters. Please let me know DM. EC, JW, DP and DM availability for a call:
>
> 11:30am

12:00pm
1:00pm
1:30pm
2:00pm
2:30pm
3:00pm

Thank you,
Stacie

From: Posthumus, Dick (GOV)
Sent: Friday, January 30, 2015 12:51 PM
To: Wisniewski, Wendy (GOV)
Cc: Clayton, Stacie (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
Subject: Re: Flint Conference Call

I can do it either time
Dick

Sent from my iPhone

On Jan 30, 2015, at 10:47 AM, "Wisniewski, Wendy (GOV)" <wisniewskiw@michigan.gov> wrote:

> 1:30 and 3:00 are the only times that work for both Dennis & Beth
>
> ---
>
> **From:** Clayton, Stacie (GOV)
> **Sent:** Friday, January 30, 2015 10:44 AM
> **To:** Wisniewski, Wendy (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV)
> **Cc:** Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
> **Subject:** Flint Conference Call
>
> Greetings All,
>
> Harvey would like to schedule a brief conference call today regarding next steps on Flint water matters. Please let me know DM. EC, JW, DP and DM availability for a call:
>
> 11:30am
> 12:00pm
> 1:00pm
> 1:30pm
> 2:00pm
> 2:30pm
> 3:00pm
>
> Thank you,
> ***Stacie***

From: Murray, David (GOV)
Sent: Friday, January 30, 2015 6:05 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Stanton, Terry A. (Treasury); Saxton, Thomas (Treasury); Walsh, John (GOV); Brownfield, Michael (GOV); Allard, Claire (GOV); Wurfel, Brad (DEQ); Posthumus, Dick (GOV); Hollins, Harvey (GOV); Clayton, Stacie (GOV); Agen, Jarrod (GOV); Wurfel, Sara (GOV); Biehl, Laura (GOV)
Cc: Wisniewski, Wendy (GOV); Rospond, Laurie (GOV)
Subject: Backgrounder on Tuesday Flint water event
Attachments: Briefing Flint grant announcement.docx

Team,

Here is background on the planned Tuesday event in Flint regarding the $2 million Distressed Cities grant and other issues connected to the water issue.

There are plans for two press releases on Tuesday. The first will detail the two Flint grants and will be released by the governor's communications office. The other release, which would detail the other grants, would follow from Treasury with a quote from the governor.

Mayor Walling has agreed to speak at the event, with Harvey Hollins and Dan Wyant representing the governor's office. Sen. Ananich has asked to speak, and it has been suggested that Rep. Neeley would speak and it might be better to add him to the program. Others, such as Deputy Director Workman and Emergency Manager Ambrose, would be present and available.

The attached document includes details about the planned event, as well as background on the grants from Treasury and on the entire water issue from DEQ as well as Mayor Walling's Facebook post about the governor and links to the stories in the media about the issue.

We have a room reserved and are working with the communications team in Flint to have microphones and other items needed for the event.

Please let me know if there is any information you think should also be included, or anything that should be changed. Once everyone has had the opportunity to review, we can forward to the governor.

Thank you, everyone, for your assistance. I know there are lots of moving pieces and many people involved.

Dave

Dave Murray
Deputy Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]mobile
Twitter:@michigandmurray

Briefing: Grant announcement in Flint

Tuesday, Feb. 3, 2015, 3-4 p.m.
Haskell Community Center, 2201 Forest Hills Ave. Flint
Governor's communications: Dave Murray, murrayd1@michgian.gov, [redacted]
DEQ communications: Brad Wurfel, wurfelb@michigan.gov, [redacted]
Treasury communications: Terry Stanton, stantont@michigan.gov, [redacted]

Purpose

The state government is providing support for the Flint government as it addresses issues with its water system. The state on Tuesday is announcing that Flint is receiving two grants totaling $2 million related to water system improvements through the Financially Distressed Cities, Villages and Townships grant program. DEQ Director Dan Wyant will address ongoing efforts with his agency to test Flint water and explain why the city is facing some of its problems. Senate Minority Leader Jim Ananich, D-Flint, will discuss his appreciation for the ongoing support for the city and its residents.

Attending

- Harvey Hollins, director of the Michigan Office of Urban Initiatives
- Dan Wyant, director of the Michigan Department of Environmental Quality
- Wayne Workman, deputy treasurer, Michigan Department of Treasury
- Jerry Ambrose, Flint emergency manager
- Dayne Walling, Flint mayor
- State Sen. Jim Ananich
- State Rep. Sheldon Neeley
- State Rep. Phil Phelps

Agenda

3:00 PM – 3:05 PM:	Harvey Hollins announces that Flint has received two grants totaling $2 million.
3:05 PM – 3:10 PM:	Dan Wyant discusses the state's ongoing role in monitoring Flint's water and any assistance that has been provided and will continue to be provided.
3:10 PM – 3:15 PM:	Mayor Dayne Walling remarks about appreciation for state assistance.
3:15 PM – 3:20 PM:	Sen. Jim Ananich remarks about appreciation for state assistance.
3:20 PM – 3:25 PM:	
3:25 PM – 3:35 PM:	Harvey Hollins closing remarks, opens floor to media questions.
3:35 PM	Event ends, though this might be optimistic.

Background

- The quality of Flint water has been a high-profile concern in recent weeks, with residents complaining about the color, taste and smell of tap water since a switch to Flint River water as a temporary source as a pipeline is built to Lake Huron as a water source starting in 2016.
    - Residents have attended meetings with jugs of brownish water.
    - U.S. Kildee has worked with labor and community groups to distribute bottled water.
- Mayor Walling has issued a letter (included below) calling for state and federal assistance for the city, including forgiveness of some $20 million in debt through the Drinking Water Revolving Loan Fund and calling for the governor to come to Flint personally.
    - Walling also submitted a guest column to the Flint Journal with similar requests.

        - He said the loan forgiveness is needed for the city to upgrade its water treatment process.
    - Governor and Mayor Walling had a telephone conversation on Friday, and the mayor has pledged to work together on solutions.

- Rep. Sheldon Neeley also has sent the governor a letter, saying that his constituents "are on the verge of civil unrest."

- The Department of Environmental Quality has been monitoring the water situation, with a detailed backgrounder and talking points attached below.

- The Treasury Department is announcing Tuesday that Flint is among the cities receiving a combined $8 million the Financially Distressed Cities, Villages and Townships grant program.
    - The announcement of the other grants will follow the Flint announcement.
        - The Flint grants are $1.1 million to allow the city to replace the functions of the old incinerator with new water pollution control facility allowing for the disposal of waste to landfills.
        - The other is $900,000 to allow the city to hire a contractor to perform a leak detection survey, which will lead to prioritizing repairs.
    - A breakdown of the grants is included below.

Treasury breakdown of Flint grants

Flint Incinerator: The grant project entails shutting down the current Water Pollution Control Facility Incinerator (due to the incinerator not being up to new EPA standards). In order to meet EPA standards, it would cost roughly $8.8M in upgrades to the current incinerator. The grant funding will allow them to replace the functions of the old incinerator by constructing new facilities which will allow for the disposal of waste to landfills.

Budget Breakdown	
Construction Contractor	$1,050,000
Project Management	$50,000
Total	$1,100,000

Flint Leak Detection: The grant project will allow the city to hire a contractor to perform a leak detection survey of the city water lines. The city will receive a map of leak locations and an assessment of leak severity. This data will allow the city to prioritize leak repair. The project also covers the expense of conducting a water pipe line wall thickness condition assessment on a portion of the city's pipes. The assessment will guide the city's water main replacement program.

Budget Breakdown	
Project Planning	$90,000
Mobilization of Crew to Site	$27,000
Leak Detection < 16" diameter	$378,000
Leak Detection 16" diameter or >	$270,000
Pipe Condition Assessments	$135,000
Total	$900,000

DEQ backgrounder on Flint water

Following the formal approval of Flint into the KWA in 2012, DWSD sent Flint a letter saying their contract was thereby terminated (by early 2013).

Genesee County has been using DWSD water without a contract since May 2014. But Flint took the letter to imply a water cutoff, and promptly turned to DEQ with a proposal to use the Flint River (their historic backup system).

This proposed shift was pitched primarily as a money saver. But it put the city in the business of water production, where they historically had been in the business of water transmission. DEQ approved the use of the river as a source, based on the treatment plant's past performance as a standby facility and the improvements we outlined prior to a switchover.

Several municipalities around the state use surface water supplies (rivers): Blissfield near Monroe, Manistique, and Alma to name a few.

The city completed the upgrades at the water plant the facility and DEQ approved it April 2014.

There were some initial hiccups. Last summer, there were a couple of 'boil water' notices issued. One for a water test that showed e. coli, one for a break in the water main.

The challenge to using the Flint River as a source is that the condition of the water is variable and changes with season and weather. It has substantially more organic matter than deep lake sources like Lake Huron. This organic matter is mobilized by high water events, and warm weather also can account for more organic material in the water.

The treatment of the organic matter is done with chlorine. One might conclude that the continual answer is just to use more chlorine to achieve water safety. However, at some point on the continuum, the chlorine and organic matter create TTHM – total trihalomethanes – as a byproduct. When the standard for those is exceeded over several consecutive quarters of testing, the supply is required by law to issue public notice and submit an approved plan for addressing the situation.

You'll note that this regulatory approach means TTHM testing is done quarterly. That means people who use the system are exposed to TTHM for several months before the public notice is required. It's because TTHM is a chronic health threat. Over the long term (measured in decades), continued exposure can contribute to some known health problems. If this were an immediate health threat, customers would receive immediate notification to boil their water or not use it.

Put in context, the EPA (which established the standard and the rule) estimates the existence of the TTHM standard prevents an estimated 280 bladder cancer cases each year … out of more than 330 million people who use public water supplies around the country.

It's not "nothing." State and federal law requires quarterly testing for TTHM and that the public be informed of it when the annual average of four quarters' worth of consecutive testing shows TTHM levels exceeding 80 parts per billion. Flint's results managed to exceed the annual average in three quarters, and they must develop a plan to address it.

But it's not like an eminent threat to public health. Unlike an e. Coli or even total coliform bacteria maximum contaminant level, which require immediate public notification and response and are part of daily / hourly testing of public water supplies, TTHMs pose a public health concern with chronic, long-term exposure.

It's clear the nature of the threat was communicated poorly. It's also clear that folks in Flint are concerned about other aspects of their water – taste, smell and color being among the top complaints.

The Safe Drinking Water Act requires public water supplies be tested for more than 90 regulated contaminants, including microbial contaminants. The act, and the program here in Michigan, work to ensure that water is safe to drink. The act does not regulate aesthetic values of water. Here are some factors affecting the aesthetics of water in Flint.

1. It's the Flint River. The water supplied by DWSD historically came from Lake Huron. It's softer. With hard water, you get a different flavor and feel. It's why General Motors suspended use of Flint Water – it was rusting their parts. Also, there's the 'organics' factor (discussed previously).
2. The system is old. Flint has more than 500 miles of water pipes. More than half of those pipe miles are more than 75 years old. Much of it is cast iron. Hard water can react with cast iron and exacerbates the rusty factor, which creates that brown water that angry residents were holding up in jugs for the media cameras last week. Valve failure has also been a key challenge. The system has an estimated 7,500+ valves. When they stick open or stick shut, it affects the hydraulics of the system and increase areas of stagnation. The city has a backlog of valves that need to be addressed. They've done half a dozen or so since November.
3. Flint is old. Many of the homes served by the system are old. Brown water complaints may also be attributable to cast iron pipes in customers' service connection to the city lines. The DEQ has been encouraging people with water coloration concerns to contact the city and see whether it is the service line or the City's line causing the issue. Again, discoloration is not an indicator of water quality or water safety, but we recognize that nobody likes it.

In summary, the City of Flint has tremendous need to address its water delivery system. We are not aware that they have any capital improvement funds for preventative maintenance in place, much less line replacement project monies that will require hundreds of millions.

The City was approved for a Revolving Fund loan in 2008 or 2009. As a Distressed Community, they qualified for flexible terms and 2 percent interest rate Revolving Fund Loan. After they were notified they were approved for the loan, they declined it. Previous SRF loans from the state to Flint bear an outstanding balance of $20.7 million today.

The DEQ continues working with the city to address the TTHM issue. They can take interim steps – from scrubbing the insides of transmission lines to carefully monitoring the hydraulic challenges in their system – to address customers' aesthetic concerns. Their TTHM numbers already are showing dramatic improvement; the November testing showed only one of seven sample points exceeding the standard.

The key now is that the standard is an average of three quarters' worth of results. It will be some time before they are officially "not in violation." However, depending on weather in 2015, it's not unforeseeable that we will be having this conversation again by next Christmas.

The key to the conversation is that TTHM is not a top health concern. That's key because residents need to understand TTHM in context, and it is key because it appears the mayor has seized on the public panic (sparked, frankly, by their poor communication of the violation notice) to ask the state for loan forgiveness and more money for their infrastructure improvement.

Another key thing to remember is that once the city connects to the new KWA system in 2016, this issue will fade in the rearview.

Key messages:

1. The DEQ Drinking Water program works with communities around the state to ensure that municipalities provide customers with clean, safe drinking water.
2. Municipal water supplies are tested rigorously and regularly for more than 90 regulated contaminants, including microbial contaminants that pose an immediate public health concern.

3. Flint's exceedance of the TTHM standard should reassure residents that the testing program is effective.
4. TTHM is not an immediate health threat. It is a chronic concern, one that can be problematic over the course of several decades of exposure. The public was notified because the law requires the city to make public notification, so that everyone can make informed decisions. This is particularly true for people with infants or those with compromised immune systems.
5. The DEQ is working with the City to address the situation. Recent tests show the TTHM numbers dropping rapidly. The department will continue working with the city in the months ahead, and residents should feel confident that their water is safe to drink unless the DEQ or City notifies them otherwise.
6. The discoloration and odor issues some Flint residents are experiencing are separate issues from the TTHM issue. TTHM is odorless, colorless and measured in parts per billion.
7. Flint water customers who have questions or concerns about their water should first contact the city to get answers and help. They also can contact the Michigan DEQ.

Mayor Walling's Facebook post

Friend,

Access to clean, safe, affordable water is a basic human right.

That's why I just sent Gov. Snyder my Flint Water Improvement Plan. It focuses on the areas of safety, quality, access, investment and education. My letter urges the governor to quickly implement these ideas so that Flint's water is 100% safe.

Please contact Gov. Snyder by calling (517) 335-6397 (or by clicking here) and ask him to take action immediately to implement my plan and ensure Flint's water is safe.

My plan offers new ideas and also builds on successful models of utility, energy and assistance programs at the state and federal levels. Here is my plan:

Safety & Quality

- 100% Safety is the standard
- City of Flint releases testing data to assure safety and expands testing to households with support from the Michigan Department of Environmental Quality
- Support alternatives for those advised not to drink the water by their doctors through the Michigan Health Endowment Fund and community partners to protect the vulnerable like seniors and infants
- Bring on experienced river water treatment operational management in the City of Flint
- Require water testing data to be released quarterly by law in all Michigan communities

Access

- Announce an amnesty program for turn-ons and reduce the turn-on cost in Flint
- Develop a revised payment plan policy to allow customers to come back on to the Flint system
- New Federal and State partnership to establish new Drinking Water Emergency Assistance Fund for customers (modeled on Federal and State energy utility programs: Low Income Home Energy Assistance Program; Michigan Energy Assistance Program; State Emergency Relief)

Investment

- Accelerate water system improvements outlined in the City of Flint Capital Improvement Plan through Federal and State Investments
- State approves City of Flint's Distressed Cities Fund applications
- Federal and State forgiveness of payment to Drinking Water Revolving Loan Fund

- Federal and State financing for future improvements
- City Water Department implements budgeted FY15 projects including leak detection, valve repairs, new pipes and meter replacements

Education

- Develop a community partnership to provide household and business customers with information on testing and conservation
- Ongoing partnership with Michigan Department of Human Services, United Way, Salvation Army and community organizations to provide information on water assistance
- Expand youth energy initiative to assist households with conservation and efficiency (piloted in summer 2014 with Northwestern High School students, EcoWorks and Consumers Energy)

The struggle with our water has gone on for too long. The state must take action and do its part. Please ask Gov. Snyder to take action immediately to implement my plan and ensure Flint's water is safe. Thank you for your ongoing support.

Links to coverage

- Mayor, governor have 'long, productive' talk about Flint's water problems, Jan. 30
- 2,000 more gallons of water headed to Flint for giveaway, Jan. 30, 2015
- Flint emergency manager says there are two big reasons not to reconnect Detroit water, Jan. 29
- Flint Democracy Defense League plans four meetings on city's water problems, Jan. 29
- Environmentalist sends out new warnings about Flint water, NBC, Jan. 27
- Erin Brockovich says on Facebook she's prepared to come to Flint, MLive, Jan. 27
- Mott Community College not waiting for Flint to ensure safe water, MLive, Jan. 26
- Detroit water chief says she's willing to sell emergency water to Flint -- no strings attached, Jan. 26
- Mayor says governor needs to visit Flint to see water crisis first hand, MLive, Jan. 26
- Need water? Flint groups collect 600 cases, plan distribution this week, MLive, Jan. 26
- Incoming Flint water expert would have 'continual oversight' until new pipeline connected, Jan. 25
- Looking back at Flint's water problems (photo gallery), MLive, Jan. 25
- Flint water problems: Switch aimed to save $5 million -- but at what cost?, MLive, Jan. 23
- State says its already 'working diligently' on Flint's water problems, MLive, Jan. 22
- Officials say Flint water is getting better, but many residents unsatisfied, MLive, Jan. 21

From: Muchmore, Dennis (GOV)
Sent: Tuesday, February 10, 2015 8:46 AM
To: Clement, Elizabeth (GOV)
Cc: Wisniewski, Wendy (GOV)
Subject: Fwd: A couple of things

You'll have to handle these. I'm not here Friday and Wendy's got a schedule issue for Tuesday. Have I been sending you the back and forth on the Wayne County Mental Health Authority issue.

Begin forwarded message:

From: "Saxton, Thomas (Treasury)" <SaxtonT@michigan.gov>
Date: February 10, 2015 at 6:24:45 AM EST
To: "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>
Cc: "Workman, Wayne (TREASURY)" <WorkmanW@michigan.gov>, "Wisniewski, Wendy (GOV)" <wisniewskiw@michigan.gov>
Subject: Re: A couple of things

Darnell's contact information:

Darnell.earley@detroitk12.org

[redacted] -- direct
-- office assistant Valerie
- cell

Re Flint water... we should hopefully have something late today or tomorrow. Wayne's guys have a table with the historical rate info you wanted. They are putting together the reconnect $info. I want to make sure though that Jerry A. is comfortable with the numbers, etc.

Also, my Beth is working with Wendy to figure out a time for the follow up Wayne Co mtgs. I am just confirming... we were going to do an internal meeting this week and get back to the County next Tues the 17th.

From: Muchmore, Dennis (GOV)
Sent: Monday, February 9, 2015 11:35 AM
To: Saxton, Thomas (Treasury); Workman, Wayne (TREASURY)
Subject: A couple of things

1. I need Darnell Earley's new email and phone;
2. Do we have the numbers on the Flint project: Pre cost of DWSD cut off/Present cost for users? Cost of reconnect on Flint end?
3. Discussion with KWA contractors to get a fix on timeline for construction.

From: Saunders, Kelli (GOV)
Sent: Thursday, February 12, 2015 1:48 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: COS Agenda

Thank you ☺

From: Wisniewski, Wendy (GOV)
Sent: Thursday, February 12, 2015 1:46 PM
To: Snyder, Rick (GOV); Calley, Brian (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Scott, Allison (GOV)
Cc: Saunders, Kelli (GOV)
Subject: COS Agenda

Here is the agenda, and call in number for COS at 2:00 p.m.

[redacted]

Host: [redacted] – ALS to dial in as host

COS Agenda
February 12, 2015

Weekly COS Issues

1. [redacted]
2.
3.
4.
5.
6.
7.
8.
9.
10.
11. Flint Water
12. [redacted]
13.

Wendy Wisniewski
Executive Assistant to Dennis Muchmore
and Beth Clement
Executive Office of Governor Rick Snyder
George W. Romney Building, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5601
WisniewskiW@michigan.gov

From: Hollins, Harvey (GOV)
Sent: Tuesday, March 03, 2015 12:56 PM
To: Muchmore, Dennis (GOV); Baird, Richard (GOV); Saxton, Thomas (Treasury); Clement, Elizabeth (GOV); Murray, David (GOV); Agen, Jarrod (GOV); Workman, Wayne (TREASURY)
Cc: Clayton, Stacie (GOV); Wisniewski, Wendy (GOV); VanSickle, Michele (GOV); Pleyte, Beth (Treasury); Dempkowski, Angela (Treasury)
Subject: Flint Phone Call

Importance: High

I'd like to convene a phone call today to discuss a Flint water solution. Please let Stacie know your availability for a call today anytime between 2pm and 5pm and she will send out the appointment and conference line information. I'll loop in Gerry Ambrose once we reach consensus.

Best,
Harvey

From: Saxton, Thomas (Treasury)
Sent: Tuesday, March 03, 2015 1:05 PM
To: Wisniewski, Wendy (GOV); Hollins, Harvey (GOV); Baird, Richard (GOV); Clement, Elizabeth (GOV); Murray, David (GOV); Agen, Jarrod (GOV); Workman, Wayne (TREASURY)
Cc: Clayton, Stacie (GOV); VanSickle, Michele (GOV); Pleyte, Beth (Treasury); Dempkowski, Angela (Treasury)
Subject: RE: Flint Phone Call

Wayne & I would be able from around 3:15 to 4:00. If that works I assume someone will send around a call-in.

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, March 03, 2015 12:56 PM
To: Hollins, Harvey (GOV); Baird, Richard (GOV); Saxton, Thomas (Treasury); Clement, Elizabeth (GOV); Murray, David (GOV); Agen, Jarrod (GOV); Workman, Wayne (TREASURY)
Cc: Clayton, Stacie (GOV); VanSickle, Michele (GOV); Pleyte, Beth (Treasury); Dempkowski, Angela (Treasury)
Subject: RE: Flint Phone Call

Beth is available 3:00 – 4:30

From: Hollins, Harvey (GOV)
Sent: Tuesday, March 03, 2015 12:56 PM
To: Muchmore, Dennis (GOV); Baird, Richard (GOV); Saxton, Thomas (Treasury); Clement, Elizabeth (GOV); Murray, David (GOV); Agen, Jarrod (GOV); Workman, Wayne (TREASURY)
Cc: Clayton, Stacie (GOV); Wisniewski, Wendy (GOV); VanSickle, Michele (GOV); Pleyte, Beth (Treasury); Dempkowski, Angela (Treasury)
Subject: Flint Phone Call
Importance: High

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Best,
Harvey

From: Clayton, Stacie (GOV)
Sent: Tuesday, March 03, 2015 2:06 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: Flint Phone Call

No problem. Harvey said he was getting emails from Dennis on this topic and wanted to keep him in the loop. I did not include Dennis when I sent out the meeting notice. Isn't it time for our vacation too ☺

Stacie

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, March 03, 2015 2:00 PM
To: Clayton, Stacie (GOV)
Subject: FW: Flint Phone Call
Importance: High

Hey Stacie – I took Dennis off this email when I answered because I'm really trying to not bother him while he's on vacation. . . at least this first week. Can you please ask Harvey to run everything by Beth before he goes to Dennis on anything.

From: Hollins, Harvey (GOV)
Sent: Tuesday, March 03, 2015 12:56 PM
To: Muchmore, Dennis (GOV); Baird, Richard (GOV); Saxton, Thomas (Treasury); Clement, Elizabeth (GOV); Murray, David (GOV); Agen, Jarrod (GOV); Workman, Wayne (TREASURY)
Cc: Clayton, Stacie (GOV); Wisniewski, Wendy (GOV); VanSickle, Michele (GOV); Pleyte, Beth (Treasury); Dempkowski, Angela (Treasury)
Subject: Flint Phone Call
Importance: High

I'd like to convene a phone call today to discuss a Flint water solution. Please let Stacie know your availability for a call today anytime between 2pm and 5pm and she will send out the appointment and conference line information. I'll loop in Gerry Ambrose once we reach consensus.

Best,
Harvey

From: Muchmore, Dennis (GOV)
Sent: Tuesday, April 28, 2015 4:36 PM
To: Wurfel, Sara (GOV); Agen, Jarrod (GOV)
Cc: Wisniewski, Wendy (GOV); Clement, Elizabeth (GOV); Khouri, Nick (TREASURY); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY); Stanton, Terry A. (Treasury)
Subject: Flint Press Release

Very nicely done on the press release on Flint.

From: Clayton, Stacie (GOV)
Sent: Wednesday, July 29, 2015 11:25 AM
To: Wisniewski, Wendy (GOV)
Subject: FW: Updated Memo on Water Coalition Questions - July 29

FYI…looks like they want to go to Flint next week or have the meeting in Lansing. Please let me know what Dennis says and I'll work on scheduling.

Stacie

From: Hollins, Harvey (GOV)
Sent: Wednesday, July 29, 2015 11:21 AM
To: Muchmore, Dennis (GOV)
Cc: Clayton, Stacie (GOV)
Subject: Re: Updated Memo on Water Coalition Questions - July 29

If your schedule permits, let's go to Flint to meet with them next week, or we can ask them to come back to Lansing. We should convey the response verbally and in person. If you're open to it, I'll ask Stacie to schedule that meeting next week.

Best,
Harvey

On Jul 29, 2015, at 9:03 AM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

> Here's the answers to some of the questions. How do you want to approach the pastors and community leaders, we owe them answers to the questions they asked.
>
> ---
>
> **From:** Workman, Wayne (TREASURY)
> **Sent:** Wednesday, July 29, 2015 8:36 AM
> **To:** Muchmore, Dennis (GOV); Wurfel, Brad (DEQ); Lyon, Nick (DCH); Clement, Elizabeth (GOV)
> **Cc:** Saxton, Thomas (Treasury); Wisniewski, Wendy (GOV)
> **Subject:** FW: Updated Memo on Water Coalition Questions - July 29
> **Importance:** High
>
> All, Attached is a memo and water rate summary answering several of the questions raised by the Flint pastors. Please let me know if you have any questions. Wayne
>
> Wayne L. Workman
> Deputy State Treasurer
> Michigan Department of Treasury
>
> ---
>
> **From:** Cline, Richard (Treasury)
> **Sent:** Wednesday, July 29, 2015 8:21 AM
> **To:** Workman, Wayne (TREASURY)
> **Cc:** Dempkowski, Angela (Treasury); Byrne, Randall (Treasury)

Subject: Updated Memo on Water Coalition Questions - July 29
Importance: High

Wayne,

Attached is the water rate table you asked for and I have updated the memo to reference this as an attachment.

If you need anything else, please let me know.

Note that Rob, Randy and I will be in Benton Harbor for a portion of today conducting their annual RTAB evaluation.

Eric Cline | Department Manager
State of Michigan | Michigan Department of Treasury | Office of Fiscal Responsibility
430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
Lansing Office (517) 335-2078 | Cell Phone [redacted] | Traverse City Office (231) 922-5228
E-mail clinerl@michigan.gov

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<Memo on Water Coalition Questions III.07-29-15.docx>

<Flint Water Rate History FINAL 02.11.15.pdf>

From: Clayton, Stacie (GOV)
Sent: Wednesday, July 29, 2015 11:42 AM
To: Wisniewski, Wendy (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

Thank you. Can Dennis do Lansing on Tuesday, August 4, before 3pm? If not, I'll see if Harvey wants me to schedule him to do the meeting in Flint another day without Dennis.

Stacie

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, July 29, 2015 11:35 AM
To: Clayton, Stacie (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

I don't think Dennis can go to Flint without having to completely reschedule a day and he is out of the office August 10 and then August 12 – 25 so I really can't completely redo a day. There's no place to put things

---

From: Clayton, Stacie (GOV)
Sent: Wednesday, July 29, 2015 11:25 AM
To: Wisniewski, Wendy (GOV)
Subject: FW: Updated Memo on Water Coalition Questions - July 29

FYI…looks like they want to go to Flint next week or have the meeting in Lansing. Please let me know what Dennis says and I'll work on scheduling.

Stacie

From: Hollins, Harvey (GOV)
Sent: Wednesday, July 29, 2015 11:21 AM
To: Muchmore, Dennis (GOV)
Cc: Clayton, Stacie (GOV)
Subject: Re: Updated Memo on Water Coalition Questions - July 29

If your schedule permits, let's go to Flint to meet with them next week, or we can ask them to come back to Lansing. We should convey the response verbally and in person. If you're open to it, I'll ask Stacie to schedule that meeting next week.

Best,
Harvey

On Jul 29, 2015, at 9:03 AM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

> Here's the answers to some of the questions. How do you want to approach the pastors and community leaders, we owe them answers to the questions they asked.

From: Workman, Wayne (TREASURY)
Sent: Wednesday, July 29, 2015 8:36 AM
To: Muchmore, Dennis (GOV); Wurfel, Brad (DEQ); Lyon, Nick (DCH); Clement, Elizabeth (GOV)
Cc: Saxton, Thomas (Treasury); Wisniewski, Wendy (GOV)
Subject: FW: Updated Memo on Water Coalition Questions - July 29
Importance: High

All, Attached is a memo and water rate summary answering several of the questions raised by the Flint pastors. Please let me know if you have any questions. Wayne

Wayne L. Workman
Deputy State Treasurer
Michigan Department of Treasury

From: Cline, Richard (Treasury)
Sent: Wednesday, July 29, 2015 8:21 AM
To: Workman, Wayne (TREASURY)
Cc: Dempkowski, Angela (Treasury); Byrne, Randall (Treasury)
Subject: Updated Memo on Water Coalition Questions - July 29
Importance: High

Wayne,

Attached is the water rate table you asked for and I have updated the memo to reference this as an attachment.

If you need anything else, please let me know.

Note that Rob, Randy and I will be in Benton Harbor for a portion of today conducting their annual RTAB evaluation.

Eric Cline | Department Manager
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<Memo on Water Coalition Questions III.07-29-15.docx>
<Flint Water Rate History FINAL 02.11.15.pdf>

From: Muchmore, Dennis (GOV)
Sent: Thursday, July 30, 2015 9:43 AM
To: Wurfel, Brad (DEQ)
Cc: Clement, Elizabeth (GOV); Hollins, Harvey (GOV); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY)
Subject: Flint Water Meeting

Can you join us with some Flint community leaders on Tuesday at 9:30 to talk about these water quality issues (probably need to bring your science guy)? Tom and Wayne will be there and Harvey and I promised these pastors we'd have real information for them and we do.

From: Clement, Elizabeth (GOV)
Sent: Wednesday, September 23, 2015 1:42 PM
To: Wisniewski, Wendy (GOV)
Subject: Fwd: Andy Leavitt

Can you set up a call with him? Otherwise we play phone tag for 2 days.

Sent from my iPad

Begin forwarded message:

> **From:** "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>
> **Date:** September 23, 2015 at 1:24:30 PM EDT
> **To:** "Clement, Elizabeth (GOV)" <clemente@michigan.gov>
> **Subject: Andy Leavitt**
>
> Don't forget to call andy about the supposed Flint chase and also talk about the DHHS and the controversy with lead based blood samples allegedly from water.

From: Clayton, Stacie (GOV)
Sent: Thursday, September 24, 2015 12:33 PM
To: Wisniewski, Wendy (GOV)
Cc: Hollins, Harvey (GOV)
Subject: Important call today

Hi Wendy,

I just tried your desk phone. I'm on vacation today. Will you please assist Harvey in setting up a conf call for this afternoon regarding Flint water? This is time-sensitive.

The call should include Muchmore, Clement, Baird, Wyant, Lyon, Saxton, and D. Murray.

Please let me know. Thank you.

Stacie Clayton
Sent from my iPhone

From: Wurfel, Brad (DEQ)
Sent: Thursday, September 24, 2015 4:51 PM
To: Lasher, Geralyn (DCH)
Cc: Muchmore, Dennis (GOV); Baird, Richard (GOV); Wurfel, Sara (GOV); Murray, David (GOV); Agen, Jarrod (GOV); Lyon, Nick (DCH); Clement, Elizabeth (GOV); Mcbride, Bill (GOV); Walsh, John (GOV); Hollins, Harvey (GOV); Wyant, Dan (DEQ); Hertel, Elizabeth (DCH); Wisniewski, Wendy (GOV); Grijalva, Nancy (DCH); Eisner, Jennifer (DCH); Minicuci, Angela (DCH)
Subject: Re: Updated MDHHS talking points, data

Ed white, AP, coming your way G.

Sent from my iPhone

On Sep 24, 2015, at 4:15 PM, Lasher, Geralyn (DCH) <lasherg@michigan.gov> wrote:

> Attached you will find a copy of our talking points as well as tables that outline our data on blood lead testing in children in Flint before and after the change in Flint's water.
>
> While the chart is a bit cluttered with the different colored lines representing different years, in the bullet point narrative, you can see that our experts state that if the elevated blood lead levels were being driven by the change in water, we would expect the dark blue line to stay high rather than follow the seasonal pattern.
>
> Thank you,
> Geralyn
>
> <FINAL Flint Lead TP 092415.docx>
>
> <BLLs in Flint v2.pptx>
>
> <Flint Testing and EBLLs_updated 092315_with notes.pdf>

From: Saxton, Thomas (Treasury)
Sent: Monday, September 28, 2015 11:22 AM
To: Muchmore, Dennis (GOV)
Cc: Wisniewski, Wendy (GOV)
Subject: RE: Sept 15 email
Attachments: Flint; Flint

I assume you mean re Flint? [I had also sent an email that day with an attachment re CTF]. I also included another Flint email from the 16th. Let me know if you think this is it or send me my prior email back.

-----Original Message-----
From: Muchmore, Dennis (GOV)
Sent: Monday, September 28, 2015 9:28 AM
To: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Subject: Sept 15 email

Tom
You sent an email 9/15 with an attachment that I can't open, can you resend?

Sent from my iPhone

From: Saxton, Thomas (Treasury)
Sent: Tuesday, September 15, 2015 10:48 AM
Subject: Flint
Attachments: Fwd: PRESS RELEASE: Coalition for Clean Water Lawsuit Dismissed by Circuit Court

Wayne & I have a call scheduled with the Mayor, City Atty, & the City Mgr @ 4:00 today. We are following up to see if in fact they inadvertently missed filing the appeal on the rate case. If so, in my mind that would be a huge, costly blunder (but that is why we are talking to them) which will greatly exacerbate the financial condition/solvency of the system.
And recall (not that long ago) I believe we gave them approx. $2mm in SRF loan relief and approx. $2mm in grant money{cgap?} to improve the system.
We are having staff look at possible other assistance from a financing or loan perspective. My sense is there will not be much there if any.

p.s. – the Flint coalition lawsuit was dismissed (see attached)

From: Muchmore, Dennis (GOV)
Sent: Tuesday, September 15, 2015 9:52 AM
To: Khouri, Nick (TREASURY) [redacted] Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Lyon, Nick (DCH) [redacted] Wyant, Dan (DEQ) [redacted]
Cc: Wurfel, Brad (DEQ) <WurfelB@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Roberts, John (DTMB) <RobertsJ9@michigan.gov>
Subject: Flint

Nice of Dayne Walling to work with us before he called yesterday to tell me he was going to announce to City Council last night that Flint needs and deserves $30M from the state for upgrades to their water system and a lead abatement program. Any thoughts on this?

From: Workman, Wayne (TREASURY)
Sent: Tuesday, September 15, 2015 9:58 AM
Subject: Fwd: PRESS RELEASE: Coalition for Clean Water Lawsuit Dismissed by Circuit Court
Attachments: Coalition for Clean Water Lawsuit Dismissed 9.14.15.pdf; ATT00001.htm

Sent from my iPad

Begin forwarded message:

From: Jason Lorenz <jlorenz@cityofflint.com>
Date: September 15, 2015 at 9:37:25 AM EDT
To: undisclosed-recipients:;
Subject: PRESS RELEASE: Coalition for Clean Water Lawsuit Dismissed by Circuit Court

For Immediate Release

Lawsuit against City of Flint brought by Coalition for Clean Water Dismissed by Circuit Court

Flint, Michigan – September 15, 2015 – The lawsuit brought against the City of Flint by the Coalition for Clean Water has been dismissed by Circuit Court Judge Archie Hayman. In his September 14 ruling, Judge Hayman determined that the plaintiff did not state a valid cause of action against the City of Flint, the Mayor and the City Administrator. Judge Hayman also determined that he did not have jurisdiction to provide the relief sought by the plaintiff. All counts of the Coalition's amended complaint were therefore dismissed.

The City of Flint has maintained communication with both the Michigan Department of Environmental Quality and the United States Environmental Protection Agency to ensure all proper safety and quality standards have been followed. The MDEQ recently notified Flint that it is no longer in violation of the Safe Water Drinking Act due to total trihalomethanes (TTHM) following four consecutive quarters of testing showing levels below the federal action level. The City of Flint will continue to work to ensure safe, quality and affordable drinking water to its residents, businesses and visitors.

The City of Flint will continue to provide updates on its water progress through its website, cityofflint.com. Anyone with water issues is encouraged to call 810-766-7202 so that they can be addressed. Residents wishing to receive a free and independent in-home water test can call 810-787-6537 or email flintwater@cityofflint.com.

–END–

-Jason Lorenz
Public Information Officer
City of Flint
(810) 237-2039 (Office)
[redacted](Cell)
jlorenz@cityofflint.com

Dayne Walling
Mayor

Natasha L. Henderson
City Administrator

Jason Lorenz
Public Information Officer
(810) 237-2039
jlorenz@cityofflint.com

For Immediate Release

Lawsuit against City of Flint brought by Coalition for Clean Water Dismissed by Circuit Court

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–END–

From: Saxton, Thomas (Treasury)
Sent: Wednesday, September 16, 2015 5:19 PM
Subject: Flint
Attachments: Updated Summary of September 15 Conference Call

Attached is the summary (prepared by Wayne's staff) of the call we/Treasury had yesterday with Flint. I would say nothing 'enlightening' really came out of the call.

As indicated they asked about the status of the $30mm request to the Governor. Which coincidently is the ballpark number they are at risk for in the rate lawsuit(s).
We said we did not have an immediate response other than it would likely require an appropriation by the legislature. This would probably lead to similar requests from other urban communities; but, we are still looking at it.

We are not aware of any existing qualifying projects that the City has sought funding for in the SRF-drinking water program. They had asked previously for some funds on the wastewater side but had withdrawn the request because they lacked match funds.

From: Workman, Wayne (TREASURY)
Sent: Wednesday, September 16, 2015 10:40 AM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Khouri, Nick (TREASURY) [redacted]
Cc: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Lyon, Nick (DCH) [redacted]; Wyant, Dan (DEQ) [redacted]; Wurfel, Brad (DEQ) <WurfelB@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Roberts, John (DTMB) <[redacted]>
Subject: RE: Flint

We will have an update later today from our call with the City yesterday.

Wayne L. Workman
Deputy State Treasurer
Michigan Department of Treasury

From: Muchmore, Dennis (GOV)
Sent: Wednesday, September 16, 2015 10:33 AM
To: Khouri, Nick (TREASURY) [redacted]
Cc: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Lyon, Nick (DCH) [redacted]; Wyant, Dan (DEQ) [redacted]; Wurfel, Brad (DEQ) <WurfelB@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Roberts, John (DTMB) <[redacted]>
Subject: RE: Flint

Any additional information on this?

From: Khouri, Nick (TREASURY)
Sent: Tuesday, September 15, 2015 10:01 AM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>

Cc: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Lyon, Nick (DCH) <[redacted]; Wyant, Dan (DEQ) <[redacted]; Wurfel, Brad (DEQ) <WurfelB@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Roberts, John (DTMB) [redacted]

Subject: Re: Flint

Tom

Any state or federal subsidized financing available? Something similar in structure to combined sewer overflow?

It's not free money, but a better option

Sent from my iPhone

On Sep 15, 2015, at 9:52 AM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

> Nice of Dayne Walling to work with us before he called yesterday to tell me he was going to announce to City Council last night that Flint needs and deserves $30M from the state for upgrades to their water system and a lead abatement program. Any thoughts on this?

From: Cline, Richard (Treasury)
Sent: Wednesday, September 16, 2015 3:13 PM
Subject: Updated Summary of September 15 Conference Call
Attachments: Summary of September 15 Conference Call.docx; Utilities Update 9_16_15-2.pdf

Importance: High

Tom/Wayne:

Attached, per your request, is an updated summary of the September 15 call with the City of Flint plus an update on utility upgrades, provided by the City.

If you need anything further, let me know.

Eric Cline | Department Manager
State of Michigan | Michigan Department of Treasury | Office of Fiscal Responsibility
430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
Lansing Office (517) 335-2078 | Cell Phone [redacted] | Traverse City Office (231) 922-5228
E-mail clinerl@michigan.gov

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Summary: Conference Call with City of Flint

September 15, 2015

Participating: Tom Saxton, Wayne Workman, Fred Headen, Eric Cline, Mayor Walling, City Administrator Natasha Henderson, Finance Director Jody Lundquist, City Attorney Pete Bade, Assistant City Attorney Tony Chubb

- The City of Flint is involved in two lawsuits regarding water and sewer rates: *Kincaid* and *Shears*.
    - It was stressed that the *Shears* and *Kincaid* lawsuits are both separate but are being litigated concurrently and that any developments mutually impact both suits.
- It was noted that in the opinion of the City, both cases will continue to be litigated for some time due to the complexity of the issues involved.
- In a related matter, the City Attorney noted that the Water Coalition lawsuit to force the City to purchase water from the City of Detroit was dismissed in Genesee County Circuit Court.

***Shears* Lawsuit**

- *Shears* was decided by the Genesee County Circuit Court by a non-final order on August 17, 2015.
    - Among other things, the Court enjoined City officials from any longer imposing a 35 percent increase in water and sewer rates; from disconnecting water or sewer service due to delinquent bills, dating back to September 16, 2011; and from placing liens on property due to delinquent bills, dating back to September 16, 2011.
    - City officials have filed an appeal with the Michigan Court of Appeals seeking, among other things, a stay of the Genesee County Circuit Court injunction.
    - In the interim, City officials are complying with the Court's order in *Shears*.
- The City's appeal is still being considered by the Court. No timeline for a decision is known.

***Kincaid* Lawsuit**

- *Kincaid* was decided by the Michigan Court of Appeals on June 11, 2015.
    - The Court held that a 35 percent increase in water and sewer rates imposed by City officials on September 16, 2011, violated the City charter and that Emergency Manager Mike Brown had no statutory authority to later ratify those rate increases in May of 2012.
    - The Court of Appeals remanded the case to Genesee County Circuit Court.
    - City officials intended to appeal this decision to the Michigan Supreme Court, but missed the filing deadline by one day.
- The City Attorney stated that litigation of this case must continue because some key issues have yet to be resolved, including:
    - The exact damages have not been clarified.
    - The issue of who has standing in this case remains unresolved.

Financial Impacts

Summary: Conference Call with City of Flint

September 15, 2015

- City officials estimate that nullification of the 35 percent increase in water and sewer rates is costing approximately $600K/month. Therefore, if the Court orders either refunds or credits against future water and sewer bills retroactive to September 16, 2011, the cost is estimated to be approximately $30M.
    - The Finance Director noted that since September 2011, the system has had a declining number of users, so the total potential refund is higher than basing calculations from the current number of users.
    - The City Administrator stated that the City has not developed a plan to issue a refund of this size because the City lacks sufficient funds to do so and they would be unable to operate at this point.
- The City Administrator noted that citizens are paying the latest monthly billing but that the City must contend with lower revenues for the foreseeable future.
- In addition, it was noted that if the City has to refund the Ready-to-Serve charge from September 2011 through July 1, 2015, that this amount is approximately $10M.
- It was noted that the amount of delinquent funds owed to the City that are over 30 days old has grown from $7.8M to $8.4M since the ruling in the Shears Lawsuit.
    - Further, the City Administrator stated that because the City is prohibited from shutting off service for non-payment, the amount of delinquent funds is expected to continue to grow.
- In addition, the City Administrator noted that the measures taken to reserve funds within the system to address the financial issues has delayed needed capital improvements, which further exacerbates the problems within the system, but the City cannot address these capital needs without additional revenue.
- The City Administrator further stressed the importance of the State assistance sought by the Mayor in his September 14, 2015, letter to the Governor.
    - The Mayor requested $30M for infrastructure and capital improvements related to the City's water and sewer system.
    - It was stressed by Treasury that existing funding options were very limited and we were not aware of anything short of a legislative appropriation.
        - State funding of the City's $30M request will likely invite requests from many other communities with similar needs.
        - The State recently awarded the City $2M in Distressed Cities grant funds to implement improvements to their system.
        - The State further provided the City with an additional $2M in relief for outstanding SRF/DWRF loans.
        - Treasury is not aware of any current Flint projects related to their water quality issues that could be funded through the DWRF program and DEQ is responsible for managing DWRF eligible projects.

City of Flint
Water Quality Update
Wednesday September 16TH, 2015

GAC Installation

What: ***$1,601,740 contract with LAN*** to design and install new filter media at the Water Plant

Status: Complete

Leak Detection

What: ***$900,000 Treasury Distressed City Grant*** for Leak Detection / Pipe Wall Assessment

Status: In Progress

The vendor "echologics" is nearly 1/3 complete with the leak detection

WPC Incinerator Shutdown

What: ***$1,100,000 Treasury Distressed City Grant*** for WPC Incinerator Shutdown

Status: In construction phase

The walls are nearly done being erected.

Next steps: Construction of the walls.

Water Meter Installation

What: ***$5,000,000 contract*** to purchase and install up to 18,000 water meters.

Status: In progress

The vendor has established a good routine and has installed approximately 3000 of the targeted 9000 meters have been installed

Installers are facing more resistance from customers about the change outs ~300 people are refusing the installation.

Small jumpers were added to the installation to protect plastic meters going in place of metal to protect electronics within the household.

The main focus of this contract was the $2,500,000 on the front end to complete the targeted 9000 meter installation. This was an FY15 expenditure.

Next steps: Continue with the progress.

From: Wurfel, Sara (GOV)
Sent: Monday, September 28, 2015 5:52 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Hollins, Harvey (GOV); Mcbride, Bill (GOV)
Cc: Murray, David (GOV); Wisniewski, Wendy (GOV)
Subject: FW: Flint Water Issue - Rep. Kildee Letter Received By Federal Agencies
Attachments: 09-22-15 Kildee Requesting Temporary Assistance for Lead in Flint Water.pdf; Flint Pediatric Lead Concerns REVISED.PDF

Importance: High

Please see attached and below just in case … sounds like we should have follow up conversation with MSP team and make sure we're coordinating with DEQ, DHHS and Treasury.

From: Kelenske, Chris (MSP)
Sent: Monday, September 28, 2015 5:49 PM
To: Etue, Kriste (MSP) <[redacted]>; Gorski, Gary (MSP) <GorskiG@michigan.gov>; Smith, Paul (GOV) <SmithP29@michigan.gov>
Cc: Katarsky, Anthony (MSP) <KatarskyA@michigan.gov>; Leix, Ron (MSP) <LeixR@michigan.gov>; Banner, Shanon (MSP) <BannerS@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>
Subject: Flint Water Issue - Rep. Kildee Letter Received By Federal Agencies
Importance: High

Attached are two documents for your information: 1) A letter from US Representative Kildee to Craig Fugate of FEMA, HHS, EPA, and CDC and 2) a PowerPoint on Flint water concerns. Essentially, Representative Kildee is requesting FEMA take action to resolve potable water quality issues associated with the Flint water system.

This is the first we heard of the letter and I actually found out from the FEMA Region V Director when he called me about an hour ago. He and I discussed a few things on this and he will respond advising they need to work through the local EM system in MI (engaging the local EM and then EMHSD). They also are working through the local health department as I confirmed with Dr. Scott from DHHS. If Flint needs water or want water the first step is to handle it locally (at least on the EM side and then push up any gaps they cannot fill to us). We are not aware of any work the local EM has done in this regard. I will be with the FEMA Region V Director as well as the FEMA Administrator, Craig Fugate, this week if they have questions.

I have advised Dr. Jackie Scott from DHHS and will be sending her the letter and ppt.

Chris

Capt. Chris A. Kelenske
Deputy State Director/Commander
Emergency Management and Homeland Security Division
Michigan State Police
4000 Collins Road
Lansing, MI 48910
[redacted]

“A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY.”

DANIEL T. KILDEE
5TH DISTRICT, MICHIGAN

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FINANCIAL SERVICES

SUBCOMMITTEE ON
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SENIOR WHIP

DEMOCRATIC POLICY AND
COMMUNICATIONS COMMITTEE

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House of Representatives
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@REPDANKILDEE

September 22, 2015

Secretary Sylvia Matthews Burwell
U.S. Department of Health & Human Services
HHS Office of the Secretary
200 Independence Avenue, S.W.
Washington, DC 20201

Administrator William Craig Fugate
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472

Administrator Gina McCarthy
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Director Tom Frieden
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Secretary Burwell, Administrator McCarthy, Administrator Fugate and Director Frieden:

Recent developments regarding the level of lead in the water in one of the communities I represent, Flint, Mich., have raised significant concerns about the safety of its drinking water. For this reason, I am requesting immediate resources to provide safe drinking water to the residents of Flint until additional testing can be completed that confirms the water is safe, particularly for young children.

Although the city of Flint and the Michigan Department of Environmental Quality have conducted tests and taken the position that the lead level in the water is safe and below the action level, there are significant questions about the efficacy of their testing. In fact, Dr. Marc Edwards of Virginia Tech University, an established drinking water expert, conducted his own tests as part of a study that determined the water in Flint was above the lead action level.

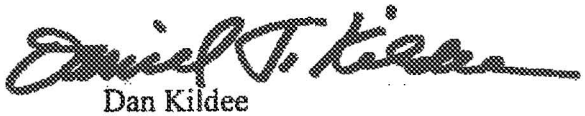
Additionally, yesterday the Greater Flint Health Coalition, a group of health professionals in the community, released a report showing elevated blood lead levels in residents in Flint, particularly in young children. In response, the Coalition has requested that the Genesee County Health Department release a health advisory indicating that the water in Flint is unsafe to drink.

Thus, I am requesting resources from your agency to provide clean drinking water to the residents of Flint until additional testing can determine when the water will be safe to drink and a long-term solution can be implemented.

This is a serious health issue, particularly for young children, and until the water is demonstrated to be safe, immediate action must be taken to ensure Flint's residents have potable drinking water.

I look forward to working with you and thank you for your immediate attention.

Sincerely,

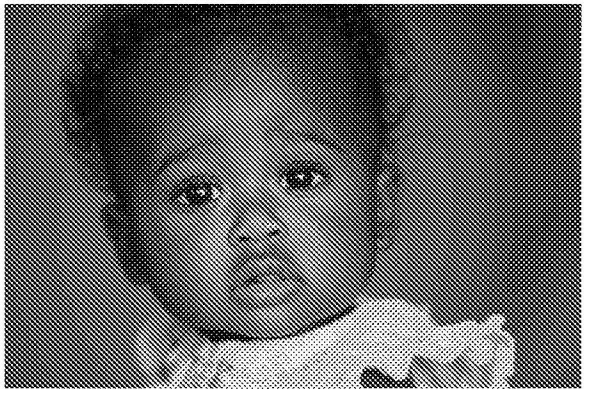


Dan Kildee
MEMBER OF CONGRESS

Pediatric Lead Exposure In Flint, Michigan:
A Failure of Primary Prevention

Mona Hanna-Attisha MD MPH FAAP
Hurley Children's Hospital
Michigan State University Department of Pediatrics and Human Development

Introducing Makayla*



- 12 month old girl (DOB 8/15/2014) presented last week for her 1 year old check up. No concerns.
- Lives with single mom and 2 older siblings in west side (48504). Formula from WIC; powder mixed with warm tap water.
- Physical exam and development are normal. Makayla receives her 1 year old vaccines and routine lead and hemoglobin screening.
- *A couple days later, lead level comes back as 6 ug/dL.*

*Hypothetical scenario

Blood lead level of 6 ug/dL….

- Blood lead levels (BLL) above 5 ug/dL are considered elevated blood lead levels (EBL)
- Just a few years ago (2012), 10 ug/dL was cutoff
- Increasing evidence shows NO safe blood lead level
- Disproportionately impacts low income, minority children
- Primary prevention is most important

Primary Prevention

- "Because no measurable level of blood lead is known to be without deleterious effects, and because once engendered, the effects appear to be irreversible in the absence of any other interventions, public health, environmental and housing policies should encourage PREVENTION of all exposure to lead."

"Low Level Lead Exposure Harms Children: A Renewed Call for Primary Prevention." 2012 CDC Advisory Committee on Childhood Lead Poisoning Prevention.

What will happen to Makayla?

- Vast evidence supports increased likelihood of:
  - Decrease in IQ
    - An increase in BLL from 1 to 4 ug/dL, drops mean IQ -3.7 points
  - Small change in mean IQ, shifts entire population IQ distribution
    - Reduces high achievers IQs (>130) and increases kids with low IQs (<70)
    - Implications for special education services, employment, incarceration, life achievement, etc

Lanphear BP et al., Low-level environmental lead exposure and children's intellectual function: an international pooled analysis. Environ Health Perspect, 2005. 113:894-9.
Fewtrell LJ, Pruss-Ustun A, Landrigan P, and Ayuso-Mateos JL, Estimating the global burden of disease of mild mental retardation and cardiovascular diseases from environmental lead exposure. Environmental Research, 2004. 94:120-33.

Behavioral Burden

- Increased likelihood of :
  - ADHD behaviors
  - Delinquent behaviors and arrests
  - Total arrests and increased rates of arrests involving violent offenses
  - Other health effects: hematologic, cardiovascular, immunologic, endocrine, etc

Wright, JP, KN Dietrich, MD Ris, et al. 2008. Association of prenatal and childhood blood lead concentrations with criminal arrests in early adulthood. *PLoS Med* 5(5): e101

Chen, A, B Cai, KN Dietrich, et al. 2007. Lead exposure, IQ, and behavior in urban 5-7 year-olds: Does lead affect behavior only by lowering IQ? *Pediatrics* 119(3): e650-e658.

Needleman, HL, C McFarland, RB Ness, et al. 2002. Bone lead levels in adjudicated delinquents: A case control study. *Neurotoxicology and Teratology* 24(6):711-717.

The Cost

- "For childhood lead poisoning, $5.9 million in medical care costs, as well as an additional $50.9 billion (sensitivity analysis: $44.8–$60.6 billion) in lost economic productivity resulting from reduced cognitive potential from preventable childhood lead exposure."

- "The present value of Michigan's economic losses attributable to lead exposure in the 2009 cohort of 5 year-olds ranges from $3.19 (using U.S. blood lead levels) to $4.85 billion (using Michigan blood lead levels) per year in loss of future lifetime earnings."

Leonardo Trasande and Yinghua Liu. Reducing The Staggering Costs Of Environmental Disease In Children, Estimated At $76.6 Billion In 2008. *Health Affairs*, 30, no.5 (2011):863-870

The Price of Pollution: Cost Estimates of Environment-Related Childhood Diseases in Michigan. 2010 Report by Michigan Network of Children's Environmental Health

Lead in Water

- Increasing as source of lead, because of success in controlling other sources.
- Increasing due to aging water infrastructures, change in water sources, disinfectant uses, etc
- Disproportionally impacts developmentally-vulnerable formula-fed infants and pregnant mothers
  - For about 25% of infants drinking formula made from tap water at 10 ppb, blood lead would rise above the CDC level of concern of 5 micrograms/deciLiter (or ug/dL).
  - Increase in fetal death and reduced birth weights

Triantafyllidou, S., Gallagher. D. and Edwards, M. Assessing risk with increasingly stringent public health goals: the case of water lead and blood lead in children. Journal of Water and Health. doi: 10.2166/wh.2013.067 58-68 (2014).
Edwards, M. Fetal Death and Reduced Birth Rates Associated with Exposure to Lead-Contaminated Drinking Water. Env. Sci. and Tech. 2013 DOI: 10.1021/es4034952

Preliminary Results

(results removed)

Conclusions from BLL analysis

- % of children with EBL in Flint has increased
  - Most striking increase in zip codes with highest water lead levels
- Results underestimate risk: infants not screened for lead and water usage unknown.
  - *Accurate exposure largely unknown since national childhood lead screening focuses on household lead exposure (paint, soil, dust) at later ages (1 and 2 yrs)*

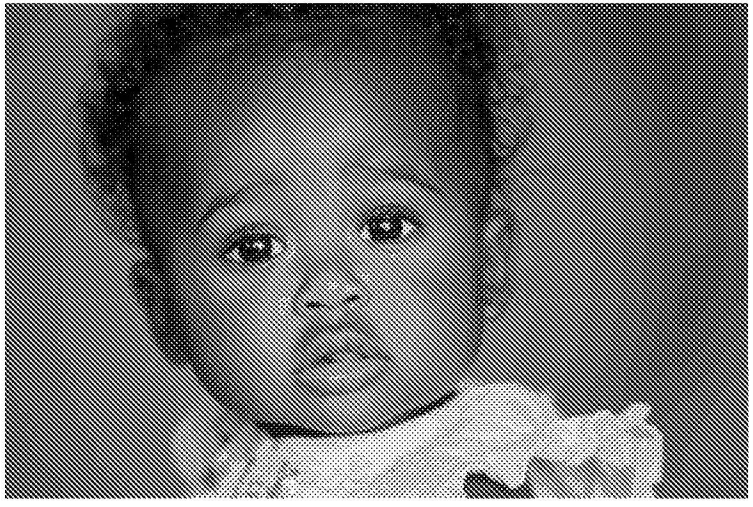
- Results are consistent and concerning. Primary prevention has failed.

Next Steps

- Immediately limit further exposure
  - Encourage breast feeding
  - No tap water for high risk groups: infants on formula & pregnant mothers
  - Declare health advisory: allows WIC to administer water or ready-to-feed formula and other resources (Salvation Army & United Way water supplies)
  - Distribution of lead clearing NSF-approved filters
  - Public education regarding precautions (flushing, etc)
  - Re-connect to Lake Huron water source ASAP

And Makayla…

- Asymptomatic now
- But what will her future hold and an entire generation of Flint children?



JOIN THE MSP

From: Muchmore, Dennis (GOV)
Sent: Tuesday, September 29, 2015 11:38 AM
To: GovCalendar
Cc: Mcbride, Bill (GOV); Wisniewski, Wendy (GOV); Lyon, Nick (DCH); Grijalva, Nancy (DCH); Wyant, Dan (DEQ); Thelen, Mary Beth (DEQ); Etue, Kriste (MSP); Klotz, Josephine (MSP); Hollins, Harvey (GOV); Clayton, Stacie (GOV); Hansen, Rachel (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Saxton, Thomas (Treasury)
Subject: Re: RDS/DM/BM/NL/DW/Maggie Pallone/Karen Tommasulo/Col. Etue/HH - Meeting Re: Flint Water

Please add Tom Saxton to this.

> On Sep 29, 2015, at 11:36 AM, GovCalendar <GovCalendar@michigan.gov> wrote:
>
> [redacted]
>
> HH by Phone
> [redacted]
> [redacted]
> Host: [redacted] RH to dial in as host
>
> <meeting.ics>

From: Klotz, Josephine (MSP)
Sent: Tuesday, September 29, 2015 11:42 AM
To: Muchmore, Dennis (GOV); GovCalendar
Cc: Mcbride, Bill (GOV); Wisniewski, Wendy (GOV); Lyon, Nick (DCH); Grijalva, Nancy (DCH); Wyant, Dan (DEQ); Thelen, Mary Beth (DEQ); Etue, Kriste (MSP); Hollins, Harvey (GOV); Clayton, Stacie (GOV); Hansen, Rachel (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Saxton, Thomas (Treasury)
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Could we add Lt. Colonel Sands? Colonel Etue would like him to attend also.

Please and thanks?

Josephine E. Klotz
Senior Executive Management Assistant
to Col. Kriste Kibbey Etue, Director
Michigan State Police
333 S. Grand Avenue
P.O. Box 30634
Lansing, MI 48909-0634
Telephone: (517) 241-0401

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From: Emmitt, Beth (GOV)
Sent: Tuesday, September 29, 2015 11:56 AM
To: Klotz, Josephine (MSP)
Cc: Wisniewski, Wendy (GOV)
Subject: Fwd: RDS/DM/BM/NL/DW/Maggie Pallone/Karen Tommasulo/Col. Etue/HH - Meeting Re: Flint Water

Yes

Begin forwarded message:

> **From:** "Wisniewski, Wendy (GOV)" <wisniewskiw@michigan.gov>
> **Date:** September 29, 2015 at 11:42:42 AM EDT
> **To:** "Emmitt, Beth (GOV)" <emmittb@michigan.gov>
> **Subject: FW: RDS/DM/BM/NL/DW/Maggie Pallone/Karen Tommasulo/Col. Etue/HH - Meeting Re: Flint Water**
>
> -----Original Message-----
> From: Klotz, Josephine (MSP)
> Sent: Tuesday, September 29, 2015 11:42 AM
> To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; GovCalendar <[redacted]
> Cc: Mcbride, Bill (GOV) <mcbrideb@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Lyon, Nick (DCH) <[redacted]>; Grijalva, Nancy (DCH) <GrijalvaN@michigan.gov>; Wyant, Dan (DEQ) [redacted]; Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov>; Etue, Kriste (MSP) [redacted]; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Clayton, Stacie (GOV) <claytons3@michigan.gov>; Hansen, Rachel (GOV) <hansenr3@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
> Subject: RE: RDS/DM/BM/NL/DW/Maggie Pallone/Karen Tommasulo/Col. Etue/HH - Meeting Re: Flint Water
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[redacted]

HH by Phone

[redacted]

Host: [redacted] RH to dial in as host

<meeting.ics>

From: Grijalva, Nancy (DCH)
Sent: Tuesday, September 29, 2015 4:05 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: Flint Pastor meeting

Can you throw the appointment to us? Nick will – he will need to leave around 9:50 but can stay for some….

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, September 29, 2015 3:48 PM
To: Wyant, Dan (DEQ); Lyon, Nick (DCH)
Cc: Grijalva, Nancy (DCH); Thelen, Mary Beth (DEQ)
Subject: Flint Pastor meeting

Dennis and Harvey have a meeting on Thursday morning at 9:15 – 10:00 a.m. here in our offices with Pastor Overton and four other Pastors. Dennis said to check with you to see if you wanted to be included in the meeting. If you do, let me know and I will forward the appointment to you. Thanks.

Wendy Wisniewski
Executive Assistant to Dennis Muchmore
and Beth Clement
Executive Office of Governor Rick Snyder
George W. Romney Building, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5601
WisniewskiW@michigan.gov

From: Muchmore, Dennis (GOV)
Sent: Wednesday, September 30, 2015 8:47 AM
To: Saxton, Thomas (Treasury)
Cc: Clement, Elizabeth (GOV)
Subject: RE: FDCVT - Flint

Thanks. Are you suggesting they modify their request to one that asks for money for filters instead of the assessing since the assessing cost exceeds the grant and they couldn't do the project anyway?

From: Saxton, Thomas (Treasury)
Sent: Tuesday, September 29, 2015 5:34 PM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: FW: FDCVT - Flint

One of my 'take-aways' from the meeting this afternoon was to follow up on whether they could use those Distressed Cities' $s for filters. Remember last year they did receive $2mm which they used for water related items. This year they want funds for the property assessing area. Their project cost is more than the grant limit. It is not clear they realize that. The deadline application is Oct 15 if they were willing to change the application. Assuming that is doable.

With Wayne away (and before the 1:00 mtg)... a call was set up actually earlier today with Natasha Henderson. Do you care if we still do that ? The email setting it up is attached. Obviously we are not going to commit to anything.

Let me know if you need anything else.

From: Cole, Evah (Treasury)
Sent: Tuesday, September 29, 2015 4:20 PM
To: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Cc: Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>; Pleyte, Beth (Treasury) <PleyteB@michigan.gov>; Dempkowski, Angela (Treasury) <DempkowskiA@michigan.gov>; Kolka, Carolyn (Treasury) <KolkaC@michigan.gov>; Stanton, Terry A. (Treasury) <StantonT@michigan.gov>; Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>
Subject: RE: FDCVT - Flint

Tom,

Below are the answers to your questions. If you have any further questions, let us know. Thank you.

Do we know whether Flint has yet applied for any of these (FDCVT) $s ?
ANSWER: We received an application from the City of Flint on September 17th. The amount requested for the project is $2M (the limit for a local unit) and it is estimated to take $3.1M to complete the entire project. They also indicated that if full funding is not awarded, it is doubtful that they will be able to move forward with the project. The proposed project is:

"The city proposes to hire a qualified contractor to provide property assessing services. Specifically, this contractor will create digital property sketches of all improved properties, evaluate existing property conditions and improvements by

providing real property data verification, and conduct a comprehensive appraisal valuation study. This process will take place over a period of 3 years, from June 1, 2016 to July 1, 2019."

Do we know if they have plans to?
ANSWER: Since they asked for the entire $2M for the above project, we would assume they are not submitting any further projects, however we are not sure.

And have they asked (& rec'd) $s from this program previously i.e., last year, and if so, what did they use those $s for?
ANSWER: Treasury awarded Flint two grants in FY 2015 under the FDCVT program. Treasury has not yet received any reimbursement requests from the City. Therefore, we have not distributed any of the FDCVT grant related funds to the City. The two grants are:

Awarded	Project Name	Brief Description
$1,100,000	Water Pollution Control Incinerator Shutdown	Water system enhancements through improved waste management
$900,000	Water Main Leak Detection Survey and Condition Assessment	Water system enhancements through leak detection and pipe assessments

Sent from my iPhone

On Sep 29, 2015, at 3:00 PM, Stanton, Terry A. (Treasury) <StantonT@michigan.gov> wrote:

> See the attached press release...noting Flint's awards (2).
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> The writeup below was included in Flint Water Talking Points from last winter.
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> **The City has received significant financial assistance through both grant programs and bond restructuring initiatives administered by the MI Department of Treasury. This financial assistance has allowed the City to replace miles of aged pipeline and begin efforts to install a specialized filter at the Water Treatment Plant.**
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> **From:** Saxton, Thomas (Treasury)
> **Sent:** Tuesday, September 29, 2015 2:53 PM
> **To:** Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>; Cole, Evah (Treasury) <ColeE@michigan.gov>
> **Cc:** Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Stanton, Terry A. (Treasury) <StantonT@michigan.gov>; Pleyte, Beth (Treasury) <PleyteB@michigan.gov>; Dempkowski, Angela (Treasury) <DempkowskiA@michigan.gov>
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Could they use these grant funds to purchase filters for individual residents for use in their homes ?

If you can get back to me quickly I would appreciate it. Thanks

<FDCVT Grant Awards 2-3-15.pdf>

From: Saxton, Thomas (Treasury)
Sent: Wednesday, September 30, 2015 9:03 AM
To: Muchmore, Dennis (GOV)
Cc: Clement, Elizabeth (GOV); Workman, Wayne (TREASURY)
Subject: RE: FDCVT - Flint

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Sent: Wednesday, September 30, 2015 9:27 AM
To: Saxton, Thomas (Treasury)
Cc: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV)
Subject: Re: FDCVT - Flint

There is a STC order for reassassment. It will take 3 years so they can pay in phases. They don't all the money at once. A permanent lead solution is best but more costly. I think we need a face with just a few City people DEQ, HHS to talk about realistic options, not inflamed rhetoric

Sent from my iPhone

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>
> **From:** Muchmore, Dennis (GOV)
> **Sent:** Wednesday, September 30, 2015 8:47 AM
> **To:** Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
> **Cc:** Clement, Elizabeth (GOV) <clemente@michigan.gov>
> **Subject:** RE: FDCVT - Flint
>
> Thanks. Are you suggesting they modify their request to one that asks for money for filters instead of the assessing since the assessing cost exceeds the grant and they couldn't do the project anyway?
>
> ---
>
> **From:** Saxton, Thomas (Treasury)
> **Sent:** Tuesday, September 29, 2015 5:34 PM
> **To:** Muchmore, Dennis (GOV) <muchmored@michigan.gov>
> **Cc:** Clement, Elizabeth (GOV) <clemente@michigan.gov>
> **Subject:** FW: FDCVT - Flint
>
> > One of my 'take-aways' from the meeting this afternoon was to follow up on whether they could use those Distressed Cities' $s for filters. Remember last year they did receive $2mm which they used for water related items. This year they want funds for the property assessing area. Their project cost is more than the grant limit. It is not clear they realize that. The deadline application is Oct 15 if they were willing to change the application. Assuming that is doable.

With Wayne away (and before the 1:00 mtg)... a call was set up actually earlier today with Natasha Henderson. Do you care if we still do that ? The email setting it up is attached. Obviously we are not going to commit to anything.

Let me know if you need anything else.

From: Cole, Evah (Treasury)
Sent: Tuesday, September 29, 2015 4:20 PM
To: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Cc: Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>; Pleyte, Beth (Treasury) <PleyteB@michigan.gov>; Dempkowski, Angela (Treasury) <DempkowskiA@michigan.gov>; Kolka, Carolyn (Treasury) <KolkaC@michigan.gov>; Stanton, Terry A. (Treasury) <StantonT@michigan.gov>; Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>
Subject: RE: FDCVT - Flint

Tom,

Below are the answers to your questions. If you have any further questions, let us know. Thank you.

Do we know whether Flint has yet applied for any of these (FDCVT) $s ?
ANSWER: We received an application from the City of Flint on September 17th. The amount requested for the project is $2M (the limit for a local unit) and it is estimated to take $3.1M to complete the entire project. They also indicated that if full funding is not awarded, it is doubtful that they will be able to move forward with the project. The proposed project is:

"The city proposes to hire a qualified contractor to provide property assessing services. Specifically, this contractor will create digital property sketches of all improved properties, evaluate existing property conditions and improvements by providing real property data verification, and conduct a comprehensive appraisal valuation study. This process will take place over a period of 3 years, from June 1, 2016 to July 1, 2019."

Do we know if they have plans to?
ANSWER: Since they asked for the entire $2M for the above project, we would assume they are not submitting any further projects, however we are not sure.

And have they asked (& rec'd) $s from this program previously i.e., last year, and If so, what did they use those $s for?
ANSWER: Treasury awarded Flint two grants in FY 2015 under the FDCVT program. Treasury has not yet received any reimbursement requests from the City. Therefore, we have not distributed any of the FDCVT grant related funds to the City. The two grants are:

Awarded	Project Name	Brief Description
$1,100,000	Water Pollution Control Incinerator Shutdown	Water system enhancements through improved waste management
$900,000	Water Main Leak Detection Survey and Condition Assessment	Water system enhancements through leak detection and pipe assessments

Sent from my iPhone

On Sep 29, 2015, at 3:00 PM, Stanton, Terry A. (Treasury) <StantonT@michigan.gov> wrote:

> See the attached press release...noting Flint's awards (2).
>
> The writeup below was included in Flint Water Talking Points from last winter.
>
> **The City has received significant financial assistance through both grant programs and bond restructuring initiatives administered by the MI Department of Treasury. This financial assistance has allowed the City to replace miles of aged pipeline and begin efforts to install a specialized filter at the Water Treatment Plant.**
>
> **In February, Flint was awarded a total of $2 million through two *Financially Distressed Cities, Villages, and Townships Grants*. $1.1 million was awarded for water system enhancements through improved waste management while $900,000 was awarded for water system enhancements through leak detection and pipe assessments.**

From: Saxton, Thomas (Treasury)
Sent: Tuesday, September 29, 2015 2:53 PM
To: Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>; Cole, Evah (Treasury) <ColeE@michigan.gov>
Cc: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Stanton, Terry A. (Treasury) <StantonT@michigan.gov>; Pleyte, Beth (Treasury) <PleyteB@michigan.gov>; Dempkowski, Angela (Treasury) <DempkowskiA@michigan.gov>
Subject: FW: FDCVT

Do we know whether Flint has yet applied for any of these $s ? Do we know if they have plans to? And have they asked (& rec'd) $s from this program previously i.e., last year. [knowing that it hasn't been going that long]. If so, what did they use those $s for.

Finally, if they hadn't applied yet... given the current Flint water situation;
Could they use these grant funds to purchase filters for individual residents for use in their homes ?

If you can get back to me quickly I would appreciate it. Thanks

<FDCVT Grant Awards 2-3-15.pdf>

From: Wurfel, Sara (GOV)
Sent: Monday, October 05, 2015 3:42 PM
To: Muchmore, Dennis (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Priest, Chris (GOV); Baird, Richard (GOV)
Cc: Murray, David (GOV); Kennedy, Jordan (GOV); Wisniewski, Wendy (GOV); Clayton, Stacie (GOV)
Subject: FW: Release on Flint
Attachments: Flint Filters Press Release 10515.pdf

Importance: High

Talked at length with Geralyn about this just now. Think is a good thing, and shows immediate follow up from action steps announced Friday. Added bonus is that it should be pretty easy for Flint clients and residents and have a "no wrong door" approach too just in case. Please see attached and below.

This is slated for distribution at 4 p.m. Need to hear if any concerns from anyone ASAP.

Otherwise, it's a go.

Thanks much,
SW

From: Lasher, Geralyn (DHHS)
Sent: Monday, October 05, 2015 3:19 PM
To: Wurfel, Brad (DEQ) <WurfelB@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Priest, Chris (GOV) <PriestC1@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>
Cc: Eisner, Jennifer (DHHS) <EisnerJ@michigan.gov>; Minicuci, Angela (DHHS) <MinicuciA@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Hertel, Elizabeth (DHHS) <HertelE@michigan.gov>
Subject: Release on Flint
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Attached is the draft release we would like to issue ASAP regarding the new plan for water filter distribution in the city of Flint.

At a meeting with multiple community partners today, our local MDHHS office realized they could do distribution from the 2 Flint offices as long as the local community action agency could assist them in storing the larger quantities of filters.

Locally, the groups will be issuing a press release from the local health department discussing distribution, but we feel it is important to also send this from MDHHS.

We are happy to discuss this with Ron Fonger if you want him to be the first press call we make once we issue it.

STATE OF MICHIGAN

RICK SNYDER
GOVERNOR

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

NICK LYON
DIRECTOR

FOR IMMEDIATE RELEASE
October 5, 2015

CONTACT: Jennifer Eisner
(517) 241-2112

Water filters available for MDHHS clients in Flint beginning Tuesday

LANSING, Mich. – Free water filters will be available to current Michigan Department of Health and Human Services clients and Flint residents at four locations beginning Tuesday, October 6, at 9 a.m. through a partnership between the MDHHS and the Genesee County Community Action Resource Department. Free National Sanitation Foundation certified water filters are being provided to Flint residents as part of the administration's comprehensive approach to addressing water concerns in the area.

Current MDHHS clients are encouraged to visit either the 125 E. Union St. or 4809 Clio Road MDHHS office location to obtain a free, certified home water filter. Residents who are not currently enrolled in MDHHS assistance programs should visit the Genesee County Community Action Resource Department offices located at 2727 Lippincott and 601 North Saginaw in Flint. Staff will be onsite at all four locations from 9 a.m. to 4 p.m., Monday through Friday, to distribute filters and assist residents who have questions about proper installation.

"Ensuring that families in the Flint area have access to resources that will help reduce the potential for lead exposure is our top priority," said Nick Lyon, director of the MDHHS. "I want to thank our partners who have mobilized to make water filters available – a point that highlights the importance of continued collaboration at the local, state and federal level as we move forward."

MDHHS clients in the city of Flint who are active Family Independence Program (FIP), Food Assistance Program (FAP), Child Development and Care (CDC), State Disability Assistance (SDA), or Social Security Insurance (SSI) recipients should bring valid identification and a copy of their water bill to their local MDHHS office to receive their filter free of charge. Flint residents who are not active MDHHS clients should bring identification and their water bill to the GCCARD location.

Although blood lead levels throughout the city of Flint have remained steady, last week, MDHHS data was found to be consistent with a recent Hurley Children's Hospital study indicating increased blood lead levels in children residing in two Flint ZIP codes after a 2014 change in water source. While lead paint remains the number one cause of lead poisoning in Michigan, the recent data prompted MDHHS to take action to reduce potential lead exposures through water sources.

MDHHS is urging parents in Flint and throughout the state to do their part in preventing elevated blood lead levels in children. For more information about steps you can take now, visit www.michigan.gov/lead, or contact your local health department. For updates on Flint water and available resources, visit www.michigang.gov/flintwater.

###

From: Muchmore, Dennis (GOV)
Sent: Monday, October 05, 2015 3:59 PM
To: Wurfel, Sara (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Priest, Chris (GOV); Baird, Richard (GOV)
Cc: Murray, David (GOV); Kennedy, Jordan (GOV); Wisniewski, Wendy (GOV); Clayton, Stacie (GOV)
Subject: RE: Release on Flint

What if they are shut ins or can't get there? Where's the relief coming from? Is the Flint Transit Authority willing to extend complimentary transportation? Who is going to explain to the recipients how the filter fits on their faucet?

I know from experience that my wife never grew up building things out of Erector Sets, and she's terrible at reading "part a attaches to part b with two bolts enclosed in the third packet. Don't use the ones marked only for Delta faucets" oh, you get the point.

Just a suggestion from a syntax point of view, the construction of the first sentence appears to allow anyone who is a DHHS client and anyone who is a Flint resident to receive a water filter. It isn't clear that it applies to a person who is a Flint resident who receives public assistance and not to other Flint residents. Secondly, don't forget that other Flint residents also should be entitled to a water filter and although the press release is about DHHS clients, we don't want to create additional confusion. A throw-away line about the other residents might be wise.

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Cc: Murray, David (GOV) <MurrayD1@michigan.gov>; Kennedy, Jordan (GOV) <Kennedyj4@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Clayton, Stacie (GOV) <claytons3@michigan.gov>
Subject: FW: Release on Flint
Importance: High

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Sent: Monday, October 05, 2015 4:08 PM
To: Muchmore, Dennis (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Priest, Chris (GOV); Baird, Richard (GOV)
Cc: Murray, David (GOV); Kennedy, Jordan (GOV); Wisniewski, Wendy (GOV); Clayton, Stacie (GOV)
Subject: RE: Release on Flint

Thanks, Chief.

That is correct – anyone who is a DHHS client **AND** anyone who is a Flint resident will receive a water filter.

They are trying to direct clients to go to DHHS office, all other residents to the local Community Action Agency locations – though either can go to the other respective locations and walk out the door with a filter by using the same form/policy to ensure "no wrong door" and make as easy as possible. But they are trying to direct folks accordingly. Outlined in lede and 2nd graph – will have them change headline to help with clarity further.

DHHS is still working on some of those first issues/Qs (shut ins, disabilities, etc) - working locally to get those components further refined. Active group including Area Agency on Aging, Co. Emergency Services, etc working on. Original plans for seniors was to see if Meals on Wheels volunteers could deliver and install but apparently interferes and would cause too much of a delay with delivery of hot food.

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Sent: Monday, October 05, 2015 3:59 PM
To: Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Priest, Chris (GOV) <PriestC1@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>
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Otherwise, it's a go.

Thanks much,
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From: Wurfel, Sara (GOV)
Sent: Wednesday, October 07, 2015 10:41 AM
To: Agen, Jarrod (GOV); Murray, David (GOV); Biehl, Laura (GOV); Heaton, Anna (GOV); Kennedy, Jordan (GOV); Paciorek, Josh (GOV); Brown, Jessica (GOV)
Cc: Muchmore, Dennis (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Baird, Richard (GOV); Wisniewski, Wendy (GOV)
Subject: FW: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters

Importance: High

FYI team --

There were some rumors going around today (with an apparent FB recording of a Brita rep) and being reported by media that the filters may not be properly certified to handle lead. DHHS' toxicology lab has again confirmed that the filters being provided ARE NSF certified for lead reduction.

They are working on a statement to share for our review and then to share immediately afterward before this gets any further out of control.

Dave -- please note in particular since you're with the Governor. Hopefully will be well cleared up by that time, but just in case.

From: Hertel, Elizabeth (DHHS)
Sent: Wednesday, October 07, 2015 9:16 AM
To: Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: Fwd: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters

Sent from my iPhone

Begin forwarded message:

> **From:** "Wells, Eden (DHHS)" <WellsE3@michigan.gov>
> **Date:** October 7, 2015 at 9:07:54 AM EDT
> **To:** "Quiggle, Lisa (DHHS)" <QuiggleL@michigan.gov>
> **Cc:** "Dykema, Linda D. (DHHS)" <DykemaL@michigan.gov>, "Lyon, Nick (DHHS)" <LyonN2@michigan.gov>, "Hertel, Elizabeth (DHHS)" <HertelE@michigan.gov>, "Lasher, Geralyn (DHHS)" <lasherg@michigan.gov>, "Minicuci, Angela (DHHS)" <MinicuciA@michigan.gov>, "Moran, Susan (DHHS)" <MoranS@michigan.gov>
> **Subject: Re: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters**
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> Sent from my iPhone
>
> On Oct 7, 2015, at 9:02 AM, Quiggle, Lisa (DHHS) <QuiggleL@michigan.gov> wrote:

It is certified

NSF/ANSI 53
Drinking Water Treatment Units - Health Effects

The Brita Products Company

1221 Broadway
Oakland, CA 94612
United States
800-24-BRITA

Facility : # 1 Brampton, Ontario, Canada

Brand Name / Trade Name / Model	Replacement Element	Service Cycle (gallons)	Flow Rate (gpm)	Claim
Faucet Mount				
Brita Faucet Filtration System SAFF-100	FR-200	100(1)	.58	2,4-D Reduction Asbestos Reduction Alachlor Reduction Atrazine Reduction Benzene Reduction Carbofuran Reduction Carbon Tetrachloride Reduction Chlordane Reduction Chlorobenzene Reduction Endrin Reduction Ethylbenzene Reduction Lead Reduction Lindane Reduction Methoxychlor Reduction O-Dichlorobenzene Reduction Simazine Reduction Styrene Reduction Tetrachloroethylene Reduction Toluene Reduction Toxaphene Reduction Trichloroethylene Reduction Trihalomethanes (TTHM) Reductio Turbidity Reduction VOC Reduction

From: Wells, Eden (DHHS)
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To: Dykema, Linda D. (DHHS); Quiggle, Lisa (DHHS)
Subject: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters

STAT: need to be sure his model NSF certified

Sent from my iPhone

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> **Date:** October 7, 2015 at 8:57:15 AM EDT
> **To:** "Wells, Eden (DHHS)" <WellsE3@michigan.gov>
> **Subject: Brita SAFF-100 faucet filter and other Brita faucet water filters**
>
> http://searchwaterfilters.com/brita/faucet-water-filter/brita-saff-100.php
>
> Sent from my iPad

From: Hollins, Harvey (GOV)
Sent: Wednesday, October 07, 2015 12:26 PM
To: Wurfel, Sara (GOV)
Cc: Agen, Jarrod (GOV); Murray, David (GOV); Biehl, Laura (GOV); Heaton, Anna (GOV); Kennedy, Jordan (GOV); Paciorek, Josh (GOV); Brown, Jessica (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Baird, Richard (GOV); Wisniewski, Wendy (GOV)
Subject: Re: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters

Are we using the filter recommended by Susan at EPA?

Best,
Harvey

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Facility : # 1 Brampton, Ontario, Canada

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Simazine Reduction
Styrene Reduction
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Toluene Reduction
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Attachments: Flint Extended Hours Press Release 10715.docx; FW: MDHHS Filters Press Release

Not sure what you're referring to Harvey, but … all the filters the state is distributing are NSF certified, which is what is needed to address lead.

Here's the media release from DHHS as well as statement from NSF confirming as well.

From: Hollins, Harvey (GOV)
Sent: Wednesday, October 07, 2015 12:26 PM
To: Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Cc: Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>; Biehl, Laura (GOV) <BiehlL@michigan.gov>; Heaton, Anna (GOV) <HeatonA@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Paciorek, Josh (GOV) <Paciorekj@michigan.gov>; Brown, Jessica (GOV) <BrownJ53@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: Re: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters

Are we using the filter recommended by Susan at EPA?

Best,
Harvey

On Oct 7, 2015, at 10:41 AM, Wurfel, Sara (GOV) <Wurfels@michigan.gov> wrote:

> FYI team –
>
> There were some rumors going around today (with an apparent FB recording of a Brita rep) and being reported by media that the filters may not be properly certified to handle lead. DHHS' toxicology lab has again confirmed that the filters being provided ARE NSF certified for lead reduction.
>
> They are working on a statement to share for our review and then to share immediately afterward before this gets any further out of control.
>
> Dave – please note in particular since you're with the Governor. Hopefully will be well cleared up by that time, but just in case.
>
> ---
>
> **From:** Hertel, Elizabeth (DHHS)
> **Sent:** Wednesday, October 07, 2015 9:16 AM

To: Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: Fwd: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters

Sent from my iPhone

Begin forwarded message:

> **From:** "Wells, Eden (DHHS)" <WellsE3@michigan.gov>
> **Date:** October 7, 2015 at 9:07:54 AM EDT
> **To:** "Quiggle, Lisa (DHHS)" <QuiggleL@michigan.gov>
> **Cc:** "Dykema, Linda D. (DHHS)" <DykemaL@michigan.gov>, "Lyon, Nick (DHHS)" <LyonN2@michigan.gov>, "Hertel, Elizabeth (DHHS)" <HertelE@michigan.gov>, "Lasher, Geralyn (DHHS)" <lasherg@michigan.gov>, "Minicuci, Angela (DHHS)" <MinicuciA@michigan.gov>, "Moran, Susan (DHHS)" <MoranS@michigan.gov>
> **Subject: Re: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters**
>
> Sent from my iPhone
>
> On Oct 7, 2015, at 9:02 AM, Quiggle, Lisa (DHHS) <QuiggleL@michigan.gov> wrote:
>
> > It is certified
> >
> > **NSF/ANSI 53**
> > **Drinking Water Treatment Units - Health Effects**
> >
> > .....
> >
> > The Brita Products Company
> > 1221 Broadway
> > Oakland, CA 94612
> > United States
> > 800-24-BRITA
> >
> > **Facility :** # 1 Brampton, Ontario, Canada
> >
> > Replacement Service Cycle Flow Rate

Brand Name / Trade Name / Model	Element	(gallons)	(gpm)	Claim
Faucet Mount				
Brita Faucet Filtration System SAFF-100	FR-200	100(1)	.58	2,4-D Reduction Asbestos Reduction Alachlor Reduction Atrazine Reduction Benzene Reduction Carbofuran Reduction Carbon Tetrachloride Rec Chlordane Reduction Chlorobenzene Reduction Endrin Reduction Ethylbenzene Reduction Lead Reduction Lindane Reduction Methoxychlor Reduction O-Dichlorobenzene Reduc Simazine Reduction Styrene Reduction Tetrachloroethylene Redu Toluene Reduction Toxaphene Reduction Trichloroethylene Reduct Trihalomethanes (TTHM) Turbidity Reduction VOC Reduction

From: Wells, Eden (DHHS)
Sent: Wednesday, October 07, 2015 8:59 AM
To: Dykema, Linda D. (DHHS); Quiggle, Lisa (DHHS)
Subject: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters

STAT: need to be sure his model NSF certified

Sent from my iPhone

Begin forwarded message:

> **From:** "Hertel, Elizabeth (DHHS)" <HertelE@michigan.gov>
> **Date:** October 7, 2015 at 8:57:15 AM EDT
> **To:** "Wells, Eden (DHHS)" <WellsE3@michigan.gov>
> **Subject: Brita SAFF-100 faucet filter and other Brita faucet water filters**
>
> http://searchwaterfilters.com/brita/faucet-water-filter/brita-saff-100.php

Sent from my iPad

STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

RICK SNYDER
GOVERNOR

NICK LYON
DIRECTOR

FOR IMMEDIATE RELEASE
October 7, 2015

CONTACT: Jennifer Eisner
(517) 241-2112

State offering extended, weekend hours for water filter distribution at Lippincott GCCARD

Nearly 5,000 NSF certified filters issued by MDHHS to Flint residents since Monday

LANSING, Mich. – Flint residents and Michigan Department of Health and Human Services clients with a city of Flint water bill will now be able to take advantage of extended hours this Thursday, Friday, and Saturday at the Genesee County Community Action Resource Department 2727 Lippincott location. Extended hours will be offered at the Lippincott facility only, and will run until 7 p.m. on Thursday and Friday, and from 10 a.m. to 2 p.m. on Saturday. The other three locations will maintain 9 a.m. to 4 p.m. operating hours, Monday through Friday, for filter pick up.

Dr. Eden Wells, MDHHS chief medical executive, reemphasized that the Brita SAFF-100 filters being distributed by the department and GCCARD do meet the NSF/ANSI 53 standards for drinking water treatment units.

"The Brita faucet filtration system that we are distributing to residents are National Sanitation Foundation certified to reduce lead in drinking water," said Dr. Eden Wells. "When connected appropriately, these filters improve water quality by filtering out contaminates including lead, chlorine, benzene and other chemicals."

Since Monday when MDHHS announced that free water filters would be distributed at four Flint locations, the state and GCCARD have partnered to issue approximately 5,000 free NSF certified water filters to residents that are on the city of Flint water system. The distribution of filters is part of the administration's comprehensive approach to addressing water concerns in the area. These NSF certified water filters remove lead in the water administered through water taps in homes.

MDHHS clients and residents with a city of Flint water bill may take advantage of the extended hours at the Lippincott GCCARD. During the regular business hours, MDHHS clients are encouraged to visit either the 125 E. Union St. or 4809 Clio Road MDHHS office location; residents on Flint water who are not currently enrolled in MDHHS assistance programs should visit the GCCARD offices at 2727 Lippincott and 601 North Saginaw. Staff will be onsite at all four locations to distribute filters and assist residents who have questions about proper installation.

MDHHS clients in the city of Flint who are active recipients should bring valid identification and a copy of their water bill to their local MDHHS office. Flint residents who are not active MDHHS clients should bring identification and their city of Flint water bill to a GCCARD location.

MDHHS is urging all residents do their part to prevent elevated blood lead levels in children. For more information prevention, visit www.michigan.gov/lead, or contact your local health department. For updates on Flint water and resources, visit www.michigan.gov/flintwater.

# # #

From: Lasher, Geralyn (DHHS)
Sent: Wednesday, October 07, 2015 11:55 AM
Subject: FW: MDHHS Filters Press Release
Attachments: NSF International Statement - Certification to Std 53.docx

FYI—attached is the statement from NSF

From: Schmitt-Reichert, Anna [mailto:aschmittreichert@nsf.org]
Sent: Wednesday, October 07, 2015 11:52 AM
To: Lasher, Geralyn (DHHS) <lasherg@michigan.gov>
Cc: Wells, Eden (DHHS) <WellsE3@michigan.gov>; Nowland-Margolis, Lizabeth <lnowlandmargolis@nsf.org>
Subject: RE: MDHHS Filters Press Release

Hi Geralyn,

It was a pleasure to speak with you just now and to confirm that NSF International has indeed certified the water filters in question. Thank you for sending your press release too.

Attached is our statement which you are welcome to use. I have also copied my colleague Liz Margolis, Communications Manager at NSF International so that you have a second contact. Liz handles our media relations.

Please let me know if you need anything else,
Anna

p.s. Dr. Wells, please stop over for a cup of coffee or lunch, I would love to show you what your neighbor does!

Anna Schmitt-Reichert
Global Director, Communications
NSF International
O: +734.827.6818 M:[redacted]
789 Dixboro Rd.
Ann Arbor, MI 48105 USA
www.nsf.org

From: Lasher, Geralyn (DHHS) [mailto:lasherg@michigan.gov]
Sent: Wednesday, October 07, 2015 11:42 AM
To: Schmitt-Reichert, Anna <aschmittreichert@nsf.org>
Cc: Wells, Eden (DHHS) <WellsE3@michigan.gov>
Subject: FW: MDHHS Filters Press Release

Thank you so much for discussing this with us Anna. We will be sending the attached press release out momentarily announcing extended hours for distribution as well as reiterating the NSF information for the filters we are currently providing.

Thank you so much for your assistance,
Geralyn

Geralyn Anne Lasher
Senior Deputy Director for External Relations and Communications
Michigan Department of Health and Human Services
201 Townsend Street, Capitol View Building
Lansing Michigan 48913
P: (517) 241-2112
C: [redacted]
LasherG@michigan.gov
@glasher

From: Eisner, Jennifer (DHHS)
Sent: Wednesday, October 07, 2015 11:39 AM
To: Lasher, Geralyn (DHHS) <lasherg@michigan.gov>
Subject: MDHHS Filters Press Release

Jennifer (Smith) Eisner
Public Information Officer
Michigan Department of Health and Human Services
517-241-2112

NOTICE: This email and its contents/attachments may be confidential and are intended solely for the individual to whom it is addressed.
If you are not the named addressee or if this email is otherwise received in error, please immediately notify the sender without
reading it and do not take any action based on its contents or otherwise copy or disclose it to anyone. Any opinions or views expressed in
this transmission are solely of the author and do not necessarily represent those of NSF International or its affiliates.

NSF International Statement regarding Flint Water System Lead Issue and certification NSF International/ANSI Standard 53

NSF International, the public health and safety organization that tests and certifies residential drinking water filtration systems, has confirmed that the three water filters being distributed by officials in Flint, Michigan are currently certified by NSF International for lead reduction.

Specifically, Brita Faucet Filtration System, model number SAFF-100 (in white, black or chrome), the PUR Faucet Mount, model number FM-3700B, and the Zero Technologies Water Treatment Pour Through Pitcher, model number ZD-018, are certified for lead reduction in accordance with NSF/ANSI 53 – Drinking Water Treatment Unit Standard for Health Effects.

Individuals wishing to verify that a specific filter is NSF certified can do so via the NSF website. Here are the links to verify each certification: Brita Faucet Filter System SAFF-100, PUR Faucet Water Filter System and the Zero Water Technologies Water Pitcher Filtration System

Consumers can contact NSF International at info@nsf.org or 1-800-673-8010 for any additional questions.

Media requests regarding NSF International please contact Liz Nowland-Margolis at lnowlandmargolis@nsf.org or [redacted]

Additionally NSF International has other resources for the consumer regarding drinking water safety:

- Listing of NSF International certified products to reduce lead in water
- Lead in Drinking Water (discusses sources of lead, home treatment options, etc.)
- Changing Water Filters
- Guide to Contaminant Reduction claims
- Standards for Water Treatment Systems
- Understanding Consumer Confidence Reports (CCRs)

From: Hollins, Harvey (GOV)
Sent: Wednesday, October 07, 2015 2:03 PM
To: Wurfel, Sara (GOV)
Cc: Agen, Jarrod (GOV); Murray, David (GOV); Biehl, Laura (GOV); Heaton, Anna (GOV); Kennedy, Jordan (GOV); Paciorek, Josh (GOV); Brown, Jessica (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Baird, Richard (GOV); Wisniewski, Wendy (GOV)
Subject: Re: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters

Thanks Sara. I was referencing the specs that Susan gave over the phone on 9/28 during the meeting at DEQ. Water under the bridge given NSF's confirmation.

Best,
Harvey Hollins III, Director
Governor's Office of Urban Initiatives

313.456.4994 (office)
[redacted] (Cell)

On Oct 7, 2015, at 1:06 PM, Wurfel, Sara (GOV) <Wurfels@michigan.gov> wrote:

> Not sure what you're referring to Harvey, but … all the filters the state is distributing are NSF certified, which is what is needed to address lead.
>
> Here's the media release from DHHS as well as statement from NSF confirming as well.
>
> ---
>
> **From:** Hollins, Harvey (GOV)
> **Sent:** Wednesday, October 07, 2015 12:26 PM
> **To:** Wurfel, Sara (GOV) <Wurfels@michigan.gov>
> **Cc:** Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>; Biehl, Laura (GOV) <BiehlL@michigan.gov>; Heaton, Anna (GOV) <HeatonA@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Paciorek, Josh (GOV) <PaciorekJ@michigan.gov>; Brown, Jessica (GOV) <BrownJ53@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
> **Subject:** Re: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters
>
> Are we using the filter recommended by Susan at EPA?
>
> Best,
> Harvey
>
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Sent: Wednesday, October 07, 2015 9:16 AM
To: Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: Fwd: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters

Sent from my iPhone

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> **Date:** October 7, 2015 at 9:07:54 AM EDT
> **To:** "Quiggle, Lisa (DHHS)" <QuiggleL@michigan.gov>
> **Cc:** "Dykema, Linda D. (DHHS)" <DykemaL@michigan.gov>, "Lyon, Nick (DHHS)" <LyonN2@michigan.gov>, "Hertel, Elizabeth (DHHS)" <HertelE@michigan.gov>, "Lasher, Geralyn (DHHS)" <lasherg@michigan.gov>, "Minicuci, Angela (DHHS)" <MinicuciA@michigan.gov>, "Moran, Susan (DHHS)" <MoranS@michigan.gov>
> **Subject: Re: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters**
>
> Sent from my iPhone
>
> On Oct 7, 2015, at 9:02 AM, Quiggle, Lisa (DHHS) <QuiggleL@michigan.gov> wrote:
>
> > It is certified
> >
> > **NSF/ANSI 53**
> > **Drinking Water Treatment Units - Health Effects**

The Brita Products Company

1221 Broadway
Oakland, CA 94612
United States
800-24-BRITA

Facility : # 1 Brampton, Ontario, Canada

Brand Name / Trade Name / Model	Replacement Element	Service Cycle (gallons)	Flow Rate (gpm)	Claim
Faucet Mount				
Brita Faucet Filtration System SAFF-100	FR-200	100(1)	.58	2,4-D Reduction Asbestos Reduct Alachlor Reducti Atrazine Reduct Benzene Reduct Carbofuran Redu Carbon Tetrachl Chlordane Reduc Chlorobenzene F Endrin Reductio Ethylbenzene Re Lead Reduction Lindane Reducti Methoxychlor Re O-Dichlorobenze Simazine Reduct Styrene Reductio Tetrachloroethy Toluene Reducti Toxaphene Redu Trichloroethyler Trihalomethanes Turbidity Reduct VOC Reduction

From: Wells, Eden (DHHS)
Sent: Wednesday, October 07, 2015 8:59 AM
To: Dykema, Linda D. (DHHS); Quiggle, Lisa (DHHS)
Subject: STAT:Brita SAFF-100 faucet filter and other Brita faucet water filters

STAT: need to be sure his model NSF certified

Sent from my iPhone

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From: "Hertel, Elizabeth (DHHS)" <HertelE@michigan.gov>
Date: October 7, 2015 at 8:57:15 AM EDT
To: "Wells, Eden (DHHS)" <WellsE3@michigan.gov>
Subject: Brita SAFF-100 faucet filter and other Brita faucet water filters

http://searchwaterfilters.com/brita/faucet-water-filter/brita-saff-100.php

Sent from my iPad

<Flint Extended Hours Press Release 10715.docx>

<mime-attachment>

From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV)
Cc: Clement, Elizabeth (GOV)
Subject: Flint next steps meeting

Wendy,

Can we arrange a meeting in next couple days to discuss next steps with Flint and the after action report for water testing.

Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
Nick Lyon
Harvey
Walsh
Wurfel/Murray
Redford
Dick

Thanks
Jarrod

From: Clayton, Stacie (GOV)
Sent: Monday, October 12, 2015 2:44 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: Flint next steps meeting

Hi Wendy,

Harvey can participate via phone at 11:30am on Wednesday. He has a speaking engage in Detroit at 10am that morning.

Stacie

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:39 PM
To: Thomet, Ruth (GOV) <ThometR@michigan.gov>; Clayton, Stacie (GOV) <claytons3@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>
Subject: FW: Flint next steps meeting

Can you tell me if Wednesday at 11:30 would work for your person listed below? thanks

-----Original Message-----
From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: Flint next steps meeting

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Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
Nick Lyon
Harvey
Walsh
Wurfel/Murray
Redford
Dick

Thanks
Jarrod

From: Thomet, Ruth (GOV)
Sent: Monday, October 12, 2015 2:45 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: Flint next steps meeting

He has something, but I think it'll work. Let me ask him and get back with you in a few.

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:39 PM
To: Thomet, Ruth (GOV) <ThometR@michigan.gov>; Clayton, Stacie (GOV) <claytons3@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>
Subject: FW: Flint next steps meeting

Can you tell me if Wednesday at 11:30 would work for your person listed below? thanks

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From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
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Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
Nick Lyon
Harvey
Walsh
Wurfel/Murray
Redford
Dick

Thanks
Jarrod

From: VanSickle, Michele (GOV)
Sent: Monday, October 12, 2015 2:47 PM
To: Wisniewski, Wendy (GOV); Hall, Jean (GOV)
Subject: RE: Flint next steps meeting

yes

Michele VanSickle
Executive Assistant for Richard Baird and Mike Finney Executive Office of Governor Rick Snyder
[redacted]
vansicklem2@michigan.gov

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:38 PM
To: VanSickle, Michele (GOV) <vansicklem2@michigan.gov>; Hall, Jean (GOV) <hallj16@michigan.gov>
Subject: FW: Flint next steps meeting

Can you guys hold 11:30 a.m. on Wednesday for this while I find out if it works for Nick & Dan

-----Original Message-----
From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: Flint next steps meeting

Wendy,

Can we arrange a meeting in next couple days to discuss next steps with Flint and the after action report for water testing.

Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
Nick Lyon
Harvey
Walsh
Wurfel/Murray
Redford
Dick

Thanks
Jarrod

From: Thelen, Mary Beth (DEQ)
Sent: Monday, October 12, 2015 2:50 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: Flint next steps meeting

Okay, thanks for the heads up!

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant Department of Environmental Quality Constitution Hall, 6th Floor South
Phone: [redacted] (new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:48 PM
To: Thelen, Mary Beth (DEQ)
Subject: RE: Flint next steps meeting

Nope. It's a big meeting. Here's what Jarrod said:

Can we arrange a meeting in next couple days to discuss next steps with Flint and the after action report for water testing.

Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
Nick Lyon
Harvey
Walsh
Wurfel/Murray
Redford
Dick

-----Original Message-----
From: Thelen, Mary Beth (DEQ)
Sent: Monday, October 12, 2015 2:43 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Grijalva, Nancy (DHHS) <GrijalvaN@michigan.gov>
Subject: RE: Flint next steps meeting

Yes, I can make anytime really work on Wednesday, except 2:00-3:00 and even then I can make that work too.
Who is this with? Just Dennis, Dan, and Nick?

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant Department of Environmental Quality Constitution Hall, 6th Floor South
Phone: [redacted] (new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:37 PM
To: Grijalva, Nancy (DHHS); Thelen, Mary Beth (DEQ)
Subject: FW: Flint next steps meeting
Importance: High

Actually - Any chance 11:30 a.m. on Wednesday would work? I was trying to find times that worked for all of my people and that might be one if it works for your guys.

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:20 PM
To: Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov>; Grijalva, Nancy (DHHS) <GrijalvaN@michigan.gov>
Subject: FW: Flint next steps meeting
Importance: High

Can you tell me what Dan and Nick's availability tomorrow and Wednesday are? Thank you.

-----Original Message-----
From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
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Can we arrange a meeting in next couple days to discuss next steps with Flint and the after action report for water testing.

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Rich
Dan Wyant
Nick Lyon
Harvey
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Wurfel/Murray
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Dick

Thanks

Jarrod

From: Thelen, Mary Beth (DEQ)
Sent: Monday, October 12, 2015 2:52 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: Flint next steps meeting

Okay, thanks. I'll let Dan know as soon as he gets out of meetings.

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant Department of Environmental Quality Constitution Hall, 6th Floor South
Phone: [redacted]new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:50 PM
To: Thelen, Mary Beth (DEQ)
Subject: RE: Flint next steps meeting

I'll send something out as soon as I hear from Nancy

-----Original Message-----
From: Thelen, Mary Beth (DEQ)
Sent: Monday, October 12, 2015 2:50 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: RE: Flint next steps meeting

Okay, thanks for the heads up!

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant Department of Environmental Quality Constitution Hall, 6th Floor South
Phone: [redacted](new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

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Sent: Monday, October 12, 2015 2:48 PM
To: Thelen, Mary Beth (DEQ)
Subject: RE: Flint next steps meeting

Nope. It's a big meeting. Here's what Jarrod said:

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Rich
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Subject: RE: Flint next steps meeting

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Management Assistant to Director Dan Wyant Department of Environmental Quality Constitution Hall, 6th Floor South
Phone: [redacted] (new numbers)
Fax: 517-241-7401
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Subject: FW: Flint next steps meeting
Importance: High

Actually - Any chance 11:30 a.m. on Wednesday would work? I was trying to find times that worked for all of my people and that might be one if it works for your guys.

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:20 PM
To: Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov>; Grijalva, Nancy (DHHS) <GrijalvaN@michigan.gov>
Subject: FW: Flint next steps meeting
Importance: High

Can you tell me what Dan and Nick's availability tomorrow and Wednesday are? Thank you.

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From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: Flint next steps meeting

Wendy,

Can we arrange a meeting in next couple days to discuss next steps with Flint and the after action report for water testing.

Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
Nick Lyon
Harvey
Walsh
Wurfel/Murray
Redford
Dick

Thanks
Jarrod

From: Thelen, Mary Beth (DEQ)
Sent: Monday, October 12, 2015 2:54 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: Flint next steps meeting

You might want to let Nancy know who all is involved in this one from Governor's office.

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:48 PM
To: Thelen, Mary Beth (DEQ)
Subject: RE: Flint next steps meeting

Nope. It's a big meeting. Here's what Jarrod said:

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-----Original Message-----
From: Thelen, Mary Beth (DEQ)
Sent: Monday, October 12, 2015 2:43 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Grijalva, Nancy (DHHS) <GrijalvaN@michigan.gov>
Subject: RE: Flint next steps meeting

Yes, I can make anytime really work on Wednesday, except 2:00-3:00 and even then I can make that work too.
Who is this with? Just Dennis, Dan, and Nick?

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant Department of Environmental Quality Constitution Hall, 6th Floor South
Phone: [redacted](new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

-----Original Message-----

From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:37 PM
To: Grijalva, Nancy (DHHS); Thelen, Mary Beth (DEQ)
Subject: FW: Flint next steps meeting
Importance: High

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Dan Wyant
Nick Lyon
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Redford
Dick

Thanks
Jarrod

From: Kennedy, Jordan (GOV)
Sent: Monday, October 12, 2015 2:55 PM
To: Wisniewski, Wendy (GOV); Thomet, Ruth (GOV); Clayton, Stacie (GOV)
Subject: RE: Flint next steps meeting

Works for both Dave and Sara.

Thanks,

Jordan Kennedy
Communications Representative
Executive Office of Governor Rick Snyder
Phone: [redacted]

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:39 PM
To: Thomet, Ruth (GOV) <ThometR@michigan.gov>; Clayton, Stacie (GOV) <claytons3@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>
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Thanks
Jarrod

From: Thelen, Mary Beth (DEQ)
Sent: Monday, October 12, 2015 2:56 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: Flint next steps meeting

Oh, I didn't scroll down far enough! ha! sorry!!! :) You're the best!!

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant Department of Environmental Quality Constitution Hall, 6th Floor South
Phone: [redacted](new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:55 PM
To: Thelen, Mary Beth (DEQ)
Subject: RE: Flint next steps meeting

:) It was in the original email I sent you guys :)

-----Original Message-----
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Phone: [redacted](new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

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Redford
Dick

Thanks
Jarrod

From: Thomet, Ruth (GOV)
Sent: Monday, October 12, 2015 3:04 PM
To: Kennedy, Jordan (GOV); Wisniewski, Wendy (GOV); Clayton, Stacie (GOV)
Subject: RE: Flint next steps meeting

Yes for Jim.

-----Original Message-----
From: Kennedy, Jordan (GOV)
Sent: Monday, October 12, 2015 2:55 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV) <ThometR@michigan.gov>; Clayton, Stacie (GOV) <claytons3@michigan.gov>
Subject: RE: Flint next steps meeting

Works for both Dave and Sara.

Thanks,

Jordan Kennedy
Communications Representative
Executive Office of Governor Rick Snyder
Phone: 517.335.6397

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:39 PM
To: Thomet, Ruth (GOV) <ThometR@michigan.gov>; Clayton, Stacie (GOV) <claytons3@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>
Subject: FW: Flint next steps meeting

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Sent: Monday, October 12, 2015 2:05 PM
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Subject: Flint next steps meeting

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Thanks
Jarrod

From: Grijalva, Nancy (DHHS)
Sent: Monday, October 12, 2015 4:24 PM
To: Wisniewski, Wendy (GOV)
Subject: Re: Flint next steps meeting

Wendy, nick is in Detroit all day Wednesday for a leadership lab... He could probably step out for a call....

Sent from my iPad

> On Oct 12, 2015, at 2:37 PM, Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov> wrote:
>
> Actually - Any chance 11:30 a.m. on Wednesday would work? I was trying to find times that worked for all of my people and that might be one if it works for your guys.
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> Sent: Monday, October 12, 2015 2:20 PM
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> Subject: Flint next steps meeting
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> Wurfel/Murray
> Redford
> Dick
>
> Thanks
> Jarrod

>
>
>
>
>

From: Grijalva, Nancy (DHHS)
Sent: Monday, October 12, 2015 4:25 PM
To: Wisniewski, Wendy (GOV)
Subject: Re: Flint next steps meeting

Tuesday he could anytime after 1:00

Sent from my iPad

> On Oct 12, 2015, at 2:37 PM, Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov> wrote:
>
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> Subject: FW: Flint next steps meeting
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> Redford
> Dick
>
> Thanks
> Jarrod

>
>
>
>
>

From: Emmitt, Beth (GOV)
Sent: Monday, October 19, 2015 10:41 AM
To: Wisniewski, Wendy (GOV)
Subject: FW: After Action Panel Meeting with Governor Snyder

From: Baird, Richard (GOV)
Sent: Monday, October 19, 2015 10:39 AM
To: 'Ken Sikkema' <ksikkema@pscinc.com>; 'chris@environmentalcouncil.org' <chris@environmentalcouncil.org>; 'mattdav@med.umich.edu' <mattdav@med.umich.edu>; erothste@grg-ltd.com
Cc: Emmitt, Beth (GOV) <emmittb@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; VanSickle, Michele (GOV) <vansicklem2@michigan.gov>
Subject: After Action Panel Meeting with Governor Snyder

Gentlemen:

Thank you for agreeing to serve on this special group to assess the Flint water situation and develop recommendations so that this situation does not recur. Governor Snyder would like to meet with you all at his office in Lansing (2nd Floor Romney, 111 S. Capitol Ave.) from 10am to 11am on Wednesday, October 21st. I have cc'd Beth Emmitt, Head of Scheduling who is holding the time pursuant to your confirmation. It would be our intent to announce the formation of this group Wednesday afternoon or Thursday latest.

Regards,

Rich

From: Murray, David (GOV)
Sent: Wednesday, October 21, 2015 1:00 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Baird, Richard (GOV); Calley, Brian (GOV); Forstner, Nathaniel (GOV); Saunders, Kelli (GOV); Redford, James (GOV); Mcbride, Bill (GOV); Hollins, Harvey (GOV); Walsh, John (GOV)
Cc: Agen, Jarrod (GOV); Wurfel, Sara (GOV); Scott, Allison (GOV); Wisniewski, Wendy (GOV); Hall, Jean (GOV)
Subject: Please review: Flint Water Task Force release

Team,

Here's the release announcing the Flint Water Task Force. Members met this morning and had considerable input in this. Our plan is to issue the release around 2:30 p.m. Please let me know if you have suggested changes.

Thank you!

Dave

Gov. Rick Snyder announces Flint Water Task Force to review state, federal and municipal actions, offer recommendations

Experts in public health, water management, environmental protection to focus on steps to protect residents

LANSING, Mich. – Gov. Rick Snyder today announced the creation of an independent advisory task force charged with reviewing actions regarding water use and testing in Flint and offer recommendations for future guidelines to protect the health and safety of all state residents.

Task force members include experts in public health and medicine, water management, and environmental protection from both sides of the aisle, and will be co-chaired by Ken Sikkema of Public Sector Consultants and Chris Kolb, of the Michigan Environmental Council. Also serving will be Dr. Matthew Davis of the University of Michigan Health System, Eric Rothstein, of the Galardi Rothstein Group and Dr. Lawrence Reynolds of Mott Children's Health Center in Flint.

"Transitioning back to the Detroit Water and Sewerage Department-Great Lakes Water Authority is a good first step to protecting public health in Flint, but it's not the last step," Snyder said. "Bringing in outside experts to evaluate our actions and help monitor and advise on potential changes to law, procedures and practices will be key to continuing work on the comprehensive action plan and ensuring safe drinking water for all the residents in Flint and all of Michigan."

Snyder said the administration will fully cooperate with task force members, saying he wants an unbiased report focusing on steps taken in the past and recommendations that could improve practices to ensure all residents have access to safe, clean water.

Ken Sikkema is a senior policy fellow at Public Sector Consultants, where he specializes in public finance, environment, and energy policy. Prior to joining the firm, Sikkema served in both the Michigan House and Senate, culminating with four years as Senate majority leader. He has also served as both an adjunct and visiting professor at Grand Valley State University.

Chris Kolb is president of the Michigan Environmental Council, a statewide coalition of 70 environmental, public health and faith-based nonprofit groups. Before joining the MEC, Kolb represented Ann Arbor in the state House for six years and served six years on the Ann Arbor City Council. He has been president of the MEC for six years.

Matthew Davis, M.D., M.A.P.P., is professor of pediatrics and internal medicine at the University of Michigan Health System and professor of public policy at the Gerald R. Ford School at the University of Michigan, having joined the faculty in 2000. Davis also is a professor of health management and policy at the School of Public Health. He previously served as the chief medical executive of the Michigan Department of Community Health/Department of Health and Human Services.

Eric Rothstein is a national water issues consultant and principal at the Galardi Rothstein Group. He served as an independent advisor on the creation of the Great Lakes Water Authority. Rothstein also has served as Jefferson County, Alabama's rate consultant and municipal adviser for litigation related to the county's bankruptcy and issuance of $1.7 billion in sewer warrants and led strategic financial planning for the City of Atlanta's Department of Watershed Management. He has more than 30 years of experience in water, wastewater and stormwater utility finance and rate-making assessments.

Lawrence Reynolds, M.D., is a pediatrician in Flint who serves as president of the Mott Children's Health Center. He received his medical degree from Howard University College of Medicine and has been in practice for 36 years. He has served as president of the Genesee County Medical Society and the Michigan Chapter of the American Academy of Pediatrics. He has been honored for his humanitarian and advocacy efforts on behalf of children from the Community Foundation of Greater Flint.

Snyder has said reconnecting with the authority is a critical step to resolving water quality issues and addressing related health concerns. It will not immediately resolve the city's problem with lead service lines or aging infrastructure. It will take time for pipes in Flint to become coated with the phosphate corrosion control.

To best protect public health, state and local authorities will continue to carry out steps outlined on Oct. 2 in a comprehensive action plan, including continued testing, the use of faucet filters and providing residents with accurate information about steps to eliminate lead exposure. The Michigan Departments of Environmental Quality and Health and Human Services are continuing to provide free water filters, free lead testing through the state laboratory for Flint water customers, and hiring additional staff to conduct health exposure monitoring for lead in drinking water.

####

Dave Murray
Deputy Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted] mobile
Twitter:@michigandmurray

From: Wurfel, Sara (GOV)
Sent: Wednesday, October 28, 2015 1:55 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Walsh, John (GOV); Baird, Richard (GOV); Posthumus, Dick (GOV)
Cc: Murray, David (GOV); Wisniewski, Wendy (GOV)
Subject: FW: New reports on Flint and local government issued by MSU
Attachments: beyond state takeovers.pdf; ATT00001.htm; flint EM years.pdf; ATT00002.htm

Importance: High

Please see attached and below. We're starting to get numerous media inquiries on these.

MSU, led by Professor Eric Scorsone with the bulk of work paid for by the Mott Foundation, has apparently released two new reports today -- both related to EM law. One on Flint and one in general.

Haven't had a chance to read in depth yet, but one key take away as highlighted by Scorsone is this:

Our research points to the fact that [redacted], not the only cause but a major contributing factor. This is the first time we are aware of being able to quantify this conventional wisdom and place it in the fifty state context. And also that EMs often focus too much on just immediate fiscal crisis rather than public services, which is a major shortcoming of the law.

Working on points now, but will likely center around lacking public services is one of the key reasons and our administration has made tackling that a priority and we never lose sight of that – exhibit A is Detroit and the rationale the Governor had outlined for action. That working to invest in local communities with targeted resources and programs is key and we have numerous examples of that. That we have had work groups help look at issue and identify root causes, ways to stem, early warning signs to prevent situations from rising to fiscal crises, etc.

If anyone has any other immediate thoughts or feedback, please advise asap.

Thanks,
SW

From: Workman, Wayne (TREASURY)
Sent: Wednesday, October 28, 2015 1:17 PM
To: Stanton, Terry A. (Treasury) <StantonT@michigan.gov>; Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: Fwd: New reports on Flint and local government issued by MSU

Here are the reports. Not read yet

Sent from my iPhone

Begin forwarded message:

> **From:** "Scorsone, Eric" <scorsone@anr.msu.edu>
> **To:** "Amrhein, John" <amrhein@anr.msu.edu>, "Arnold Weinfeld

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Subject: New reports on Flint and local government issued by MSU

Good Morning,

Please find attached some new reports from MSU regarding the Flint EM years (2011-2014) which is a follow-up to our 2011 report on Flint.

Find here the original Flint report:
https://www.cityofflint.com/wp-content/uploads/Reports/MSUE_FlintStudy2011.pdf

The second report documents the role of state government in the fiscal affairs of Local Government. In particular, you will note:

· Page 9, figure 4 that Michigan escalated its local tax limitations more than almost any state except Colorado

- Page 11, figure 5, Michigan is a stick state in regards to local aid

- Page 14, figure 6, MI is ranked as being high cost and high revenue pressure (meaning revenue restrictions) which is the worst of both worlds

Our research points to the fact that Michigan policies are a major part of the cause of local fiscal distress, not the only cause but a major contributing factor. This is the first time we are aware of being able to quantify this conventional wisdom and place it in the fifty state context.

Thank you

Eric

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Beyond State Takeovers:
Reconsidering the Role of State Government in Local Financial Distress, with Important Lessons for Michigan and its Embattled Cities

MSU Extension White Paper

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Executive Summary

One provocative pattern to emerge from the Great Recession is that instances of acute local fiscal distress have clustered in certain states and not others. As recently as last year in Michigan, a state appointed Emergency Manager was operating in each of 17 local governments and school districts. A recent California Policy Center report suggests that more than a dozen cities and counties in California – a state that has already experienced three recent, high-profile municipal bankruptcies and a near-bankruptcy in San Jose, the "capital of Silicon Valley" – are on the cusp of defaulting on general obligation bonds

With the generous support of the C.S. Mott Foundation and Michigan State University, we have engaged in a multi-pronged, multi-method research program to assess the crucial but often overlooked role of state governments in shaping the ways in which cities respond to financial difficulties. This report, based on our analysis of a unique, nearly half-century-long dataset of state and local financial and policy information and correspondence with state officials, analysts and legal experts involved in state-local fiscal affairs, elaborates several key findings:

- **Municipal fiscal distress is not simply a *local* problem. State laws and policies provide state governments with extraordinary influence over the ability of cities to balance revenue and expenditure flows.** The common perception that critical taxing and spending decisions are largely within a city government's control tends to conceal this fundamental detail about American state-local fiscal relations.
- **The ways in which state lawmakers act on this influence varies from state to state and over time.** We refer to the complex mix of laws and policies that prescribe the powers, rights and capacities of local lawmakers to respond to their financial conditions as the **state context for local fiscal distress.** Section 1 of this report assesses key elements of this state context for the lower 48 states since 1970.
- **Some states incubate local financial stress by simultaneously driving up spending pressures on their cities while curtailing their capacity to raise critical revenue.** Since the 1970s, the proliferation of state-imposed tax revenue limitations, coupled with recurring cuts to state aid, has fostered a system that limits a city's ability to fund critical services. Some state governments further undermine the fiscal capacity of their cities via state laws and policies that engender steep expenditure-side pressures (e.g., devolving program responsibilities or driving up labor costs). We classify these states as **incubators of fiscal distress.**
- **Michigan incubates financial stress among its local governments.** Michigan's particular mix of stringent limitations on local revenue and its relatively low level of financial assistance to cities, coupled with spending pressures stemming from spiking local service burdens and increased labor costs, creates conditions that drive up the potential for local fiscal distress.
- **Because state governments can foster dramatically different state contexts for local fiscal stress, there is no single model policy for state intervention in distressed cities or for prevention of local fiscal distress.** A policy that does not address a state's unique context is unlikely to help cities escape financial trouble over the long term. State lawmakers must decide which legal and political tradeoffs they are willing to make to support city fiscal health. Michigan lawmakers, for instance, must recognize that the state context contributes to the problem of local fiscal distress. An aggressive intervention policy does little to curtail the consequences of this state-imposed context. Section 2 of this report draws policy lessons from comparable states in an effort to illustrate alternative approaches to state involvement in local fiscal affairs.

This report's practical recommendations are aimed at assisting the C.S. Mott Foundation, state and local officials, and Michigan residents in identifying a more effective policy and legal approach to local fiscal crises. These are not overly startling recommendations, yet they are easy to neglect because policymakers tend to focus more on short-term political gain rather than the histories and unintended consequences of policies that, over time, become increasingly difficult to alter. Some key recommendations:

- **Creating a state agency that coordinates services to local governments and offers technical support and fiscal monitoring.**
- **Raising awareness among citizens and state decision makers that the causes of fiscal distress are not solely at the local level. Though state governments are certainly part of the solution, they can be a big part of the problem as well.**

Introduction

A recent spate of research and media reports suggest that as the fiscal consequences of the Great Recession continue to subside, state and local fiscal conditions are on the upswing. American cities and locales, however, are not yet out of the woods. A recent analysis from the National League of Cities strikes the proper tone of caution when reporting that, though indeed *state* governments have recovered (albeit slowly), "...*local* fiscal health has not yet fully returned to pre-recession levels. ... While tax revenues continue to improve, increases in service costs, long-term infrastructure needs, employee wages, and pension and healthcare obligations, along with decreased levels of state and federal aid, continue to constrain the [local] fiscal outlook" (McFarland and Pagano, 2014, p. 1, emphasis added).

One thought-provoking pattern to emerge from the aftermath of the Great Recession is that the fiscal outlook seems to be particularly bleak among local governments in certain states. The city of Detroit's bankruptcy proceedings may have indicated that Michigan is something of a hotbed for local financial disaster. Yet a far more damning indicator is the prevalence of financial distress among the state's other local governments. As recently as last year, 17 local governments and school districts were operating under the control of a state-appointed emergency financial manager. Recently, Michigan's most populous county, Wayne, was recently designated for financial emergency status as well. Michigan does not stand alone. News from California, a state that has already seen four cities enter the municipal bankruptcy process since 2008, is equally discouraging. The authors of a recent report conducted for the California Policy Center argue that more than a dozen cities and counties in California are statistically far more likely than "a typical U.S. city or county" to enter bankruptcy proceedings or default on general obligation bonds, with several cities – such as Compton, King City, Sutter Creek and Ione – are a whopping 20 to 40 times more likely to experience acute financial crisis (Joffe and Larkedring, 2015).

What is it with local governments in these states? When it comes to urban fiscal problems, there is much blame to go around. Some blame a mixture of national and global economic forces beyond the control of state and local policymakers. Others contend that the cities facing severe budget crises have only themselves to blame. The goal of this report is to refocus attention on the crucial but often overlooked role of state governments in determining the ways in which cities respond to financial difficulties. How and in what specific ways do state governments structure this local response? Is it possible to assess the fiscal value that all states – via their mix of policies, laws and institutions – may add to or take away from local fiscal decision making? Is it truly more challenging to gain and maintain fiscal sustainability in certain states than it is in others? And in light of this consideration of the role that state governments play in structuring local fiscal decision making, in what ways do state governments choose to – or choose not to – internalize their role in the design and administration of their fiscal distress intervention policy? In other words, can we identify policy self-awareness among state governments that place particularly onerous fiscal pressures on their local lawmakers?

To respond to these important questions, we, with the generous support of the C.S. Mott Foundation and Michigan State University, set out on a multi-pronged, multi-method research program at a critical time in which a new era seems to be dawning for state-local fiscal relations. This report summarizes the findings of the first stage of this ongoing project.

Section 1 of this report develops an indicator for the state context for local fiscal distress based on the mix of state laws and policies that directly influence the revenue and spending decisions of local governments. This section uncovers a number of compelling patterns in the state imposition of revenue and spending pressures over the past quarter-century. Chief among these patterns is that, although a number of states have taken measures to severely limit the revenue capacity of their local governments (thus reducing the resources available to maintain critical services) and several states have devolved greater service responsibilities (and higher spending burdens) to their local governments, only a small handful of states simultaneously drive up spending pressures while aggressively curtailing local governments' capacity to raise revenue. Taken independently, state-imposed revenue- and expenditure-side pressures can play a determinative role in local fiscal decision making. Taken together, as in states such as Michigan and California, they incubate local fiscal distress and can serve to foster fundamental budgetary imbalances that more fiscally challenged local communities are ill-equipped to overcome.

In Section 2, we draw on interpersonal communications with key personnel in several states to assess key elements of state policies for intervening in fiscally distressed local governments. We set out to identify similarities in intervention policies – of which Michigan's is the poster child – and to learn how other states approach local fiscal crises differently. From our work with the state officials, we illustrate how state governments can more effectively align policy with the nature of the problems faced by cities in distress, as well as how state-imposed constraints hamper cities' abilities to balance revenues and expenditures over the long-term. In Section 3, we combine the lessons from Sections 1 and 2 to outline recommendations that can assist the C.S. Mott Foundation, state and local officials, and Michigan residents in identifying a more effective approach to local fiscal crises.

Section 1: Assessing How States Set the Context for Local Fiscal Distress: Revenue Squeezes and Expenditure-side Pressures

Two essential powers that local officials enjoy are their authority to raise revenues and their power to allocate those revenues as they see fit via public expenditures. In local media and policy research, city officials are sometimes lauded for what are perceived as exciting local policy outcomes, such as when a city makes a significant move up the "America's Greenest Cities" or "Child Well-being and Health" rankings. More commonly, they are chastised for decisions deemed detrimental to the city's future, such as providing generous benefits to the municipal workforce, slashing essential services, enacting a rigid historical preservation agenda or raising licensing fees. Yet the common perception that critical taxing and spending decisions – and, by extension, the apportionment of blame and credit associated with the outcomes of such decisions – are largely within a city government's control conceals a fundamental detail about American state-local fiscal relations: state laws and policies provide state governments with extraordinary influence over nearly every aspect of city budgeting. From the type and level of financial assistance that state governments deliver to state-imposed controls over local revenues; to the growing practice and use of state mandates, preapproval and preemption; to minimum service standards; to the formal or informal consultations, advice or technical assistance that state governments may (or may not) provide, local governments in America, in the words of influential legal scholars Gerald Frug and David Barron (2008, p. 75), simply "do not have anything like the kind of local fiscal autonomy often attributed to them."

States influence local governments' capacity to balance revenue and expenditure flows in a variety of ways. In this report, we focus on two core dimensions of this state context for local financial distress.[1] The first is the degree to which states participate in adding or reducing local revenue capacity via the policy balance between the buoyancy of state-granted aid and shared revenue, and the severity of state-imposed controls over city tax revenues. Although most states exhibit a relatively balanced policy approach to local revenue capacity, some state governments have responded to local revenue challenges by granting greater access to state intergovernmental aid while mostly suppressing financial controls over local taxes. These are revenue "carrot" states. Another group – revenue "stick" states, of which Michigan is a prime example – have responded to local revenue challenges by ratcheting financial controls while offering thin or uncertain compensatory aid. Simply put, we expect it to be far more challenging to maintain a sustainable fiscal outlook in states that simultaneously suppress own-source revenue capacity and transfer very little aid to municipalities, particularly during national or state economic downturns.

State policies and actions also burden the opposite end of local budgetary processes: decisions over public expenditures. Few, if any, local spending responsibilities exist because cities choose to take them on. The state decides.[2] Spending pressures can be subtler. For instance, local labor costs, which account for a large slice of most cities' budgets, are heavily influenced by state policies and regulations concerning municipal employees' wages and level of retirement and health care benefits.[3] This basic fact should give pause to those who instinctively attribute chronic local fiscal distress to "profligate spending on public employees" (Greenhut, 2012, pp. 1-2) or "spiraling labor and pension costs" (Rozansky, 2012). To borrow again from Frug and Barron's seminal work (2008, p. 199), "Although cities are often criticized for granting overly generous pensions and health care to their employees, sometimes they become supporters of municipal employees' benefits because the state requires them to do so." Our more general argument here is that it is foolish to claim to correctly diagnose the causes of local fiscal distress without careful examination of the spending context in which states place their cities. In this paper, we aim to capture a large slice of this expenditure-side context by assessing state public sector collective bargaining policies (specifically, those covering municipal police, firefighters, teachers and other local employees) and public employee union membership coverage.

1 Formally defined as the complex, multidimensional, legal-policy frameworks that prescribe the powers, rights and capacities of local lawmakers to respond to their financial conditions.

2 Via specific provisions (or the absence of such provisions) regarding local statutory authorization, budgetary constraints or more general interpretations of local governments' home rule authority.

3 For instance, Michigan, even after the adoption of right-to-work legislation in late 2012, mandates binding arbitration for public safety officers in the event that involved parties in a labor contract dispute cannot reach an agreement. Massachusetts pays out benefits to local employees through the State-Boston Retirement System via formulas established by state law. Illinois law does not mandate city or employee benefit or contribution levels, instead favoring local flexibility in the control over pension costs.

The final segment of this section considers how these revenue- and expenditure-side pressures interact within and across all U.S. state governments. As one might expect (or at least hope), these two competing dimensions tend to work against one another. States that are more revenue stick (meaning local tax limitation increases outpace the distribution of state aid) tend not to impose equally exacting expenditure-side pressures, at least in relation to local labor costs. For many states that do drive up labor and service costs via their mixture of policies, these costs are at least partially offset via a more resilient and vibrant aid environment, coupled with limited own-source revenue restrictions. A few states, such as Michigan and California, place strict limits on local own-source revenues while at the same time providing only meager intergovernmental aid and imposing costly labor and service obligations. We contend that these states have structured local fiscal policymaking in a way that effectively incubates local financial distress. These state contexts are the most egregious in hampering the exercise of local fiscal power; yet the nature of the problem for cities may be much worse – state-imposed budgetary imbalances can engender recurring structural deficits and diminished local service capacity, particularly among the states' older, industrial urban areas.

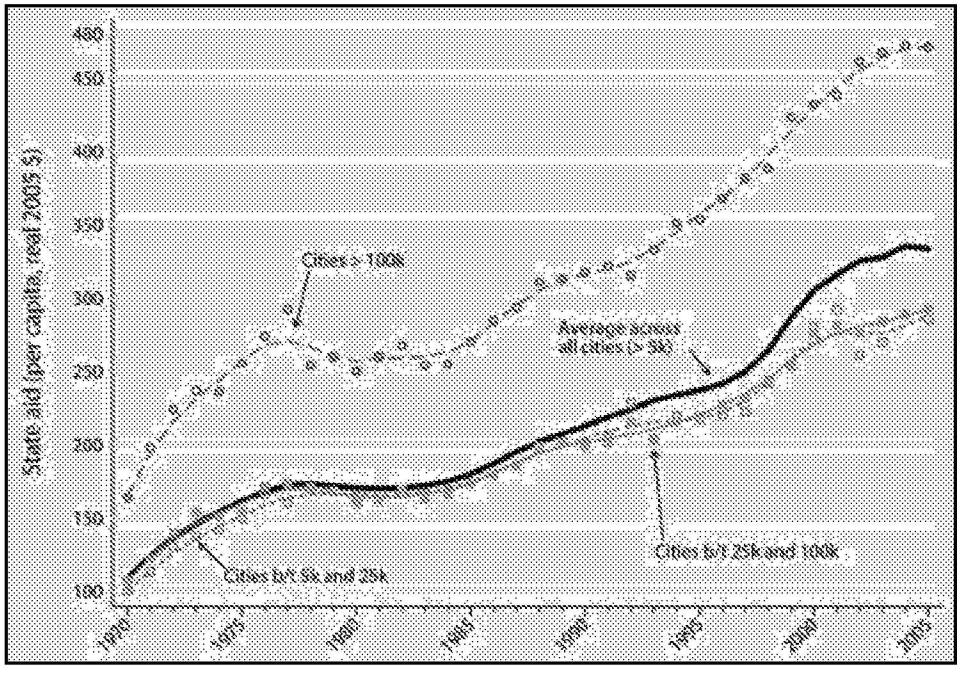
(1) Squeezing Local Revenue Capacity: Thin and Fragile State Aid; Escalating Local Tax Limits

State governments, by virtue of their superior constitutional position, have sweeping legal powers to regulate local finance. Central to our assessment of the state's role in local fiscal distress are state controls over the two dominant sources of city revenue: state aid and local taxes. Local governments occupy a weak position in the American federal system, causing local officials to rely heavily on, in the words of one analyst, "whatever sources of income the states are willing to let them tap into" or "whatever financial assistance" the states are willing to provide (Berman, 2003, p. 89). Sbragia (1983) aptly refers to the condition of American federalism as "the municipal money chase," and in the absence of a vibrant federal aid environment in the United States, state aid – in the form of shared taxes (typically sales, income and gasoline) and restricted or unrestricted grants – continues to be a major source of local government revenue, accounting for roughly a third of local revenue, on average, during the past two decades (Berman, 2003; Urahn et al., 2012).[4]

The importance of a well-designed state aid system is hard to overstate. It allows local officials greater flexibility in responding to economic pressures and the service needs of residents. This flexibility is particularly valuable during periods of economic downturn. Because local governments vary widely in their tax bases and in their ability to raise critical own-source revenues, influential research illustrates the equalizing potential of state aid, particularly in helping to smooth out revenue gaps between wealthier and poorer local jurisdictions (Pelissero, 1984; Stein and Hamm, 1987). In the past few decades, very few states target aid to local governments as a function of local need (Stein and Hamm,

4 Though formulas for the distribution of local aid can vary significantly across states (as well as within states over time), all states provide some form of aid to local governments – often from a historical exchange in which cities would forgo the right to collect certain taxes in exchange for the states returning revenues from those taxes in some form. States typically allocate shared revenue for specific purposes or link it to particular functions of local government. Some shared revenue, however, is unhindered by such state restrictions and can be spent as local lawmakers see fit.

Figure 1. Mapping the Average State Aid Environment Since 1970

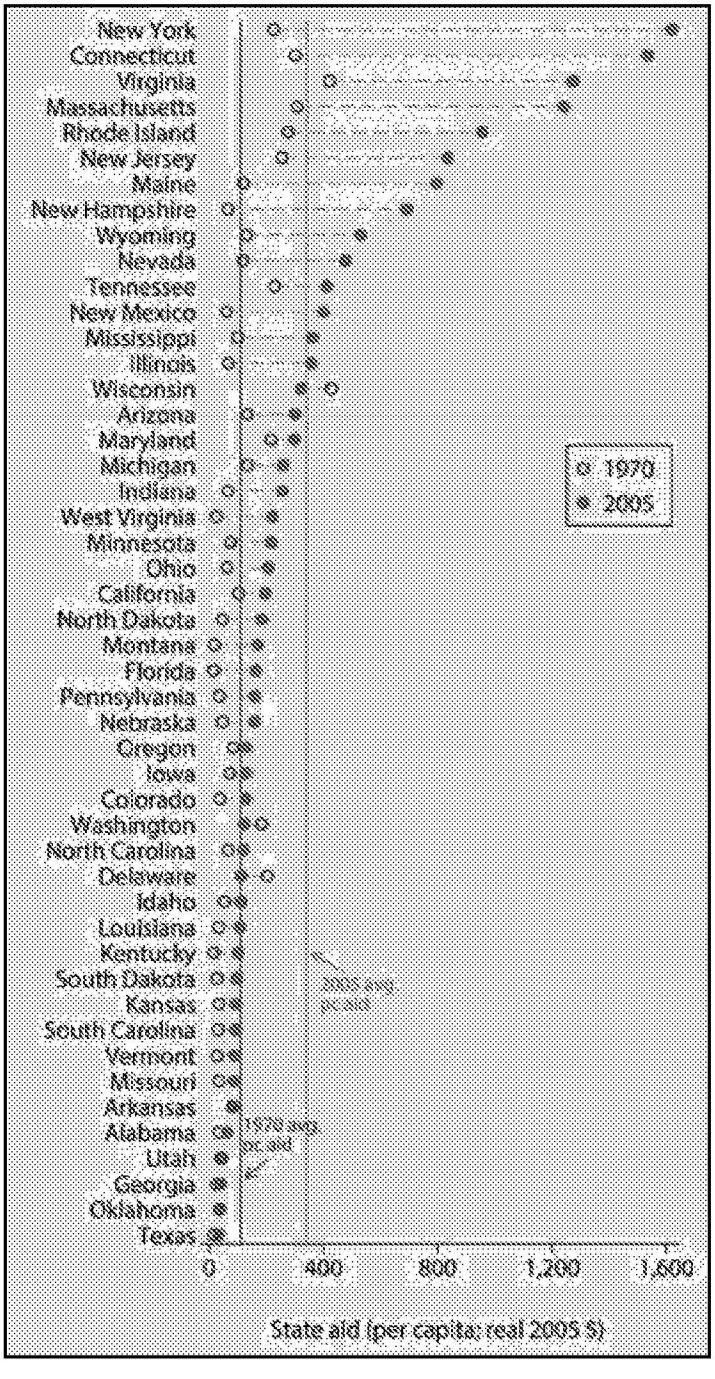


1994). The level of state aid that is available can make it possible for certain jurisdictions – for instance, older, industrial cities experiencing significant job loss coupled with a much reduced tax base – to at least afford minimum levels of services and possibly respond to growing service demands on the heels of a crippling state or national recession (see Ladd and Yinger, 1994).

How then can we characterize the critical state aid portion of the state-controlled revenue environment for American cities? Figure 1, which illustrates trends in per capita state aid to three classes of city governments, shows a steady upward trend in transfers (per capita) received from state governments. Though it is beyond the scope of this project to analyze specific revenue-sharing rules and aid formulas over time and across state contexts, our city financial data allow us to compare important trends in what the Census of Governments classifies as "Total Intergovernmental Revenue from the State Government."[5] In other words, we plot data indicating the fiscal outputs of these rules and decisions. As Figure 1 illustrates, the positive trend over time is particularly strong for cities with populations over 100,000.[6] On average, it would seem that state governments have helped at least larger cities meet increasingly difficult financial conditions through the extension of intergovernmental transfers.

Figure 2, which compares levels and growth of per capita state aid across the contiguous 48 states, paints a bleaker portrait. Consistent with the findings presented in Figure 1, 43 of the 48 states exhibit positive growth rates, meaning that roughly 90 percent of the lower 48 states provided higher levels of aid in the current era than in the early 1970s (mean increase = 256 percent). Figure 1, however, masks the considerable unevenness with which state governments deliver aid. This unevenness is on display in Figure 2, where fewer states provide above average levels of aid, and most states exhibit relatively flat growth in the distribution of state aid.[7]

Figure 2. The Uneven Development of State Aid Environments



5 This includes state grants-in-aid, regardless of basis of distribution; local share of state-collected taxes; payments in lieu of taxes on state property; and reimbursement for services performed for state government (e.g., care of state prisoners in local jails, construction or maintenance of state highway facilities, etc.) (U.S. Bureau of the Census, 2006).

6 In 1970, these cities received roughly $160 per capita (in real 2005 dollars) in state intergovernmental revenue; in 2005, the most recent year in our time series, average per capita aid was $470. Though the growth rate for small and medium-sized cities is not as steep, the steady uptick in average per capita state aid exemplifies a healthier state aid environment than in the past.

7 As is indicated by the maroon-colored vertical line, the average per capita aid provided to local governments in 2005 was just over $340. Texas, Oklahoma, Georgia and Utah provided around $40 per person, on average. New York, Connecticut, Virginia, Massachusetts and Rhode Island, on the other hand, distributed intergovernmental revenue at an annual rate at or around $1,000 per resident.

One key reason for this unevenness is that state aid tends to ebb and flow with changing state-level economic conditions (Berman, 2003, pp. 100-102). More generally, state intergovernmental aid – particularly those discretionary resources distributed via statutory aid policies and unprotected by state constitutions – is inextricably linked to state legislative budget battles. State legislatures and governors, scrambling to balance their own budgets, are simply more likely to risk citizen backlash from significant aid cuts during periods of widespread budget shortfalls. What is more, state lawmakers across the country seem to be looking with decreasing favorability on the idea of, in the derisive words of one Wisconsin legislator, "being an ATM machine for local governments" (Rinard, 1999, p. 1).

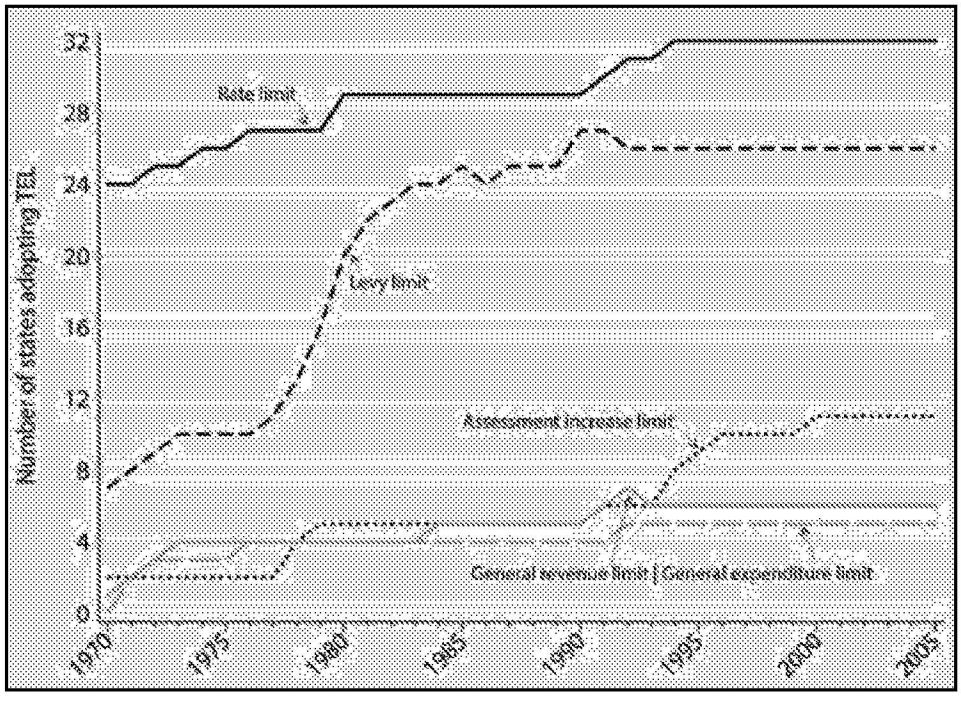
Figure 2, however, illustrates that not all states have chosen to respond to their revenue difficulties by making cuts to intergovernmental aid. A study from Pew's American Cities Project reports that Connecticut, which provides one of the more vibrant aid environments in the country, chose to slightly bolster intergovernmental aid to its local governments on the heels of the Great Recession (in fiscal year 2010) and has not reported a cut since then. Nebraska, on the other hand, canceled all funding to its local governments in 2011; Maryland, California, Arizona, Nevada, Minnesota, Texas, Virginia and Wyoming made 5 to 6 percent cuts that same year. All else being equal, we would expect it to be far less onerous to balance revenue and expenditure flows in city governments in states such as Connecticut, New York or Massachusetts – i.e., states where key state decision makers seem less inclined to shift service costs to local governments via cuts in state aid during times of state financial stress – than in cities facing similar sets of environmental, political or managerial conditions in states that provide lower or more volatile levels of intergovernmental aid.

State policies regarding levels and delivery of state aid are but one piece of an increasingly complex set of structures that govern local revenue capacity. In a classic textbook on American intergovernmental relations, Stephens and Wikstrom (2006, p. 196) remark, "Without doubt, the most important mechanism that the state has for influencing the political behavior of local officials involves financial assistance." This may have been true in the 1970s or 1980s, and to be sure it is a fundamental tenet of traditional models of fiscal federalism, but the most important mechanism for controlling local fiscal behavior in the past quarter-century is the tax and expenditure limit (TEL) – a label that broadly captures state attempts to limit the taxing and/or spending authority of its local governments through constitutional amendment or legislative enactment.

State governments have long imposed some manner of TEL.[8] Figure 3 tracks the adoption of TELs since 1970 across the four most common categories: *rate limits* – which are overall or specific tax rate limits that set the ceiling on the aggregate tax rate, which cannot be exceeded without a vote of the electorate; property tax *levy limits*, which constrain the total amount of revenue that can be raised from the property tax (independent of the property tax rate); *assessment increase limits*, which cap the growth rate of assessed values and is intended to control the ability of local government to raise revenue either by reassessment of property or through escalation of property values; and

8 For instance, the first states to establish property tax rate limits were Rhode Island (1870), Nevada (1895), Oklahoma (1907) and Ohio (1911).

Figure 3. Proliferation and Layering of TELs Since 1970

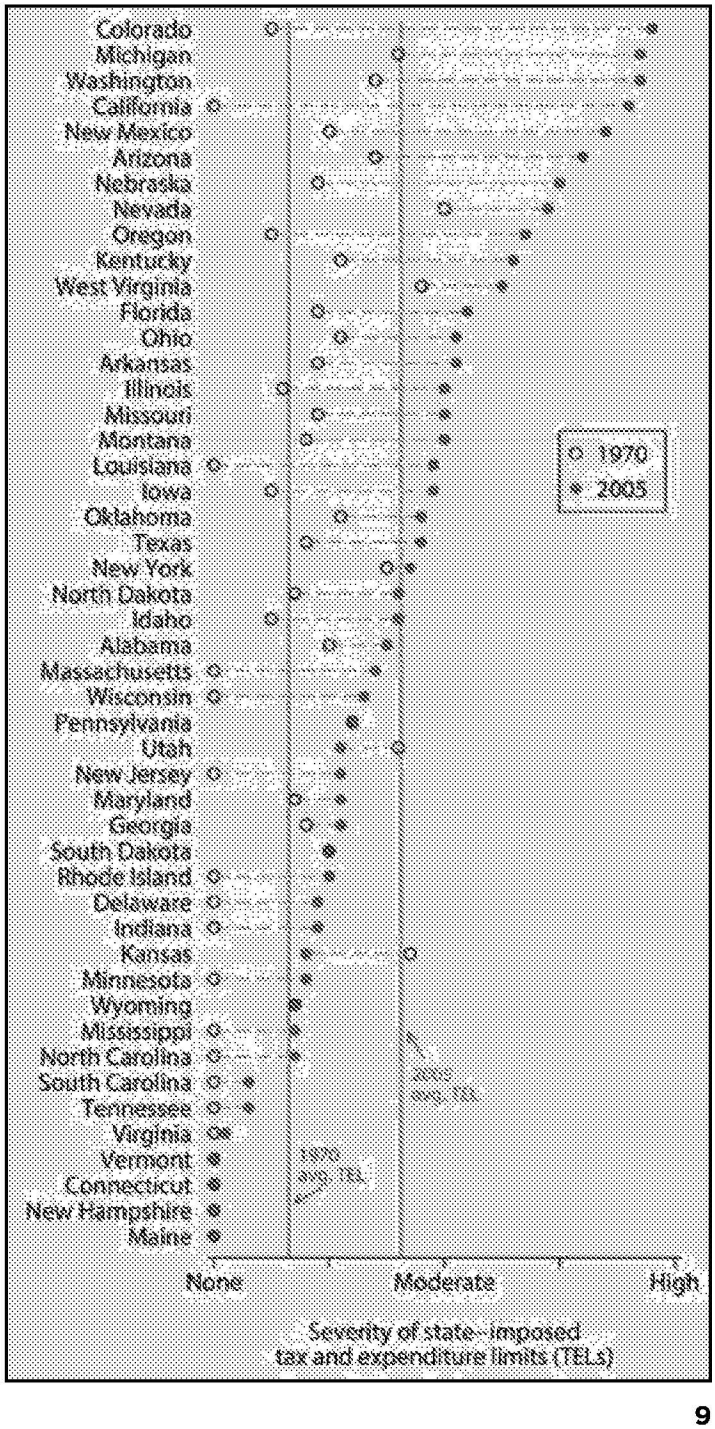


limits on *general revenue* or *general expenditure* increases, which set the maximum growth rate of total revenue or total spending.

Whereas a great deal of research has shown that the appearance of even a single TEL constrains the capacity of local officials to generate revenues on their own (see Poterba and Rueben, 1995; Shadbegian, 1996, 1999; it is the accumulation or layering of fiscal constraints that can be particularly damaging to the revenue capacity of local lawmakers.[9] In single-TEL states, for instance, raising assessments might be employed to circumvent property tax rate limits and vice versa; in states that impose only an assessment cap, this single limitation could potentially be overcome by adopting a higher rate. These methods of circumvention were common early in the 1970s, when 24 of the 29 states adopting some form of TEL imposed only one constraint (mostly rate limits), and a mere five states imposed two revenue TELs. Today, at least 27 of the contiguous 48 states impose multiple revenue TELs. Nineteen states impose two, and eight states – Arizona, California, Colorado, Michigan, Nebraska, Nevada, New Mexico and Washington – apply three local tax limitations.

The number of TELs in a state does not necessarily capture the severity of the limitation(s), though it is reasonable to expect a higher frequency of TELs to create a more restrictive local tax environment. Figure 4 displays a measure of TEL severity (see appendix regarding our research approach beginning on page 25), with the open point illustrating the severity of the state's TEL in 1970, the closed (maroon) point plotting restrictiveness in 2005, and the dashed horizontal line representing the change in severity of the state's tax limitations.[10] Figure 4 reveals some noteworthy patterns that illustrate the reality of state policy choices regarding local tax structures. Michigan, a state that imposes one of the more onerous sets of revenue restrictions, achieved this status via a one-two punch of major constitutional amendments enacted by voters: the Headlee Amendment in 1978 and Proposal A in 1994.[11] The Headlee Amendment capped local property tax millage rates to the rate of inflation. Proposal A – a constitutional amendment quite similar to Proposition 13 in California, a state with a similarly restrictive fiscal relationship with its locales – further limited local property tax revenue growth

Figure 4. TEL Escalations by State



9 Rising adoption rates are on display in Figure 3. So, too, is the increasingly common phenomenon of TEL layering, meaning the imposition of state-imposed controls on multiple elements of the local tax structure. And those controls are growing: in 1970, 29 of the contiguous 48 states had at least one revenue TEL; today, some 41 of 48 states have at least one local revenue limit.

10 The measure of TEL severity, initially proposed by Amiel, Deller and Stallmann (2009), indexes six key characteristics: the type of TEL (see discussion above), if the TEL is statutory or constitutional, growth restrictions, method of TEL approval, TEL overrides and exemptions, and method of override. For a more detailed discussion of this measure, see Amiel, Deller, and Stallmann (2009) and Maher and Deller (2013).

11 Constitution of the State of Michigan, Sections 25-33.

by changing the system of assessment to cap individual property values and prohibiting cities from "rolling up" a millage to the rate of inflation if actual property value growth was lower than inflation.[12] Taken together, these two large TEL ratchets, which came 17 years apart and layered on top of an already aggressive property tax rate limit, placed tremendous pressure on local lawmakers' ability to generate critical revenue (Brunori et al., 2008). Contrast Michigan's approach to that of Massachusetts's Prop 2½, a similarly infamous state-imposed TEL, which was passed by referendum in 1980 and effectively caps local property tax levies at 2.5 percent of real property value. Massachusetts's relatively moderate position on the severity index owes much to the state's choice to apply no corresponding rate, revenue or assessment limits on local lawmakers.

TELs, taken alone, are neither inherently good nor bad. They have been alternately portrayed as necessary evils for taming "Leviathan" city governments (Brennan and Buchanan, 1979; Craw, 2008; Downes and Figlio, 1999), or as just plain evils that stifle cities' abilities to pursue innovative visions for their futures (Frug and Barron, 2008).[13] However, over three decades after the tax revolt movement took hold in a major way in states such as California and Michigan, the widespread adoption of local TELs depicted in Figures 1 and 2 has had two overarching effects: the first is the loss of local revenues; the second is decreasing local reliance on property taxes.[14] There is little evidence to suggest that TELs, however, promote local fiscal sustainability. The reason is that local spending mostly goes unaffected by revenue limits (Dye and McGuire, 1997), particularly in the absence of state-imposed spending lids, which exist in only a small handful of states.[15]

In sum, the proliferation of state-imposed TELs has helped to create a national state-local fiscal system that is simply less conducive to local governments' abilities to fund their own activities.[16] States with more aggressive local TELs – such as Michigan, Colorado and California – hinder the revenue capacity of their local governments. This capacity is vital during even the most moderate of economic downturns because service demands tend to rise and state aid tends to drop. Revenue slack, however, was particularly vital during the most recent recession. In previous downturns, home prices mostly remained stable, thus steadying property tax revenues (particularly in relation to sales and income taxes). In the 2009 recession, property tax revenues, already slowed in certain states via state-imposed TELs, plummeted in simultaneity with state aid. The good news, as we illustrate below, is that a relatively small number of states impose such crippling revenue constraints from both ends: meaning states that both limit own-source revenue capacity while also providing far from vibrant levels of state aid. The bad news is that, for local officials who must operate within those state environments, even small declines in revenues can present tremendous budgetary challenges.

Mapping the Revenue Squeeze: Revenue "Carrot" and Revenue "Stick" States

As property tax revenues continue to erode as a function of state-imposed TELs and local governments have become more reliant on state aid, some observers have suggested that state governments have responded to their expanding role in local fiscal affairs by providing greater levels of intergovernmental revenues (Berman, 2003; Sokolow, 2000; Dye and McGuire, 1997b).[17] This reading of state-local fiscal dynamics is somewhat supported by comparing trends in average levels of state aid to local governments exhibited in Figure 1 and total revenue limit adoptions depicted in Figure 3. However, our data allow for a far more detailed look at how local revenue capacity is being affected by state policies for local governments within each of the lower 48 states.

Figure 5 depicts a rough state-level indicator of the severity of state restrictions on local revenue capacity. States for which our standardized measure of per capita state aid far exceeds our standardized measure of the severity of local revenue limits – such as Connecticut, New York, Massachusetts, New York, Rhode Island and New Jersey – are depicted in orange and labeled revenue carrot states. All else being equal, we would expect the revenue capacity of local governments in these states to be buttressed by their state context. As was pointed out above, a well-structured state aid environment increases the overall fiscal capacity of local governments and, according to Pagano and Hoene (2010, p. 260), can provide "a level of equalization and base support for municipalities that may lack other resources." Additional value to local revenue capacity stems from the fact that critical own-source revenues are

12 Many other provisions of both the Headlee Amendment and Proposal A are related to other parts of the state finance system, and a detailed examination of the depth of both laws would be a paper unto itself. We will discuss the impacts of these types of laws, generally and in Michigan, later in the paper.

13 To be sure, they are a frequent source of local consternation, particularly as fixed costs occupy a larger share of local budgets and demand for services – driven by postrecession unemployment rates, population changes and other factors – continues to rise.

14 Indeed, in many state contexts, forgone property tax revenues have at least partially been recovered via more regressive revenue sources – such as fees and, where allowed, sales taxes.

15 This is an important point that is often obscured by the frequent reliance on the TEL acronym (Tax and *Expenditure* Limits).

16 Amidst the national clamor for government austerity and fiscal responsibility, it is important to point out that these activities – particularly in the states that impose the most formidable set of revenue constraints, such as Michigan, California and Colorado – include essential local services such as public safety and infrastructure maintenance, which are critical functions of local government.

17 Greater local reliance on state aid does not necessarily mean that state officials have "anteed up," a point that, mainly because of data constraints, is too often overlooked.

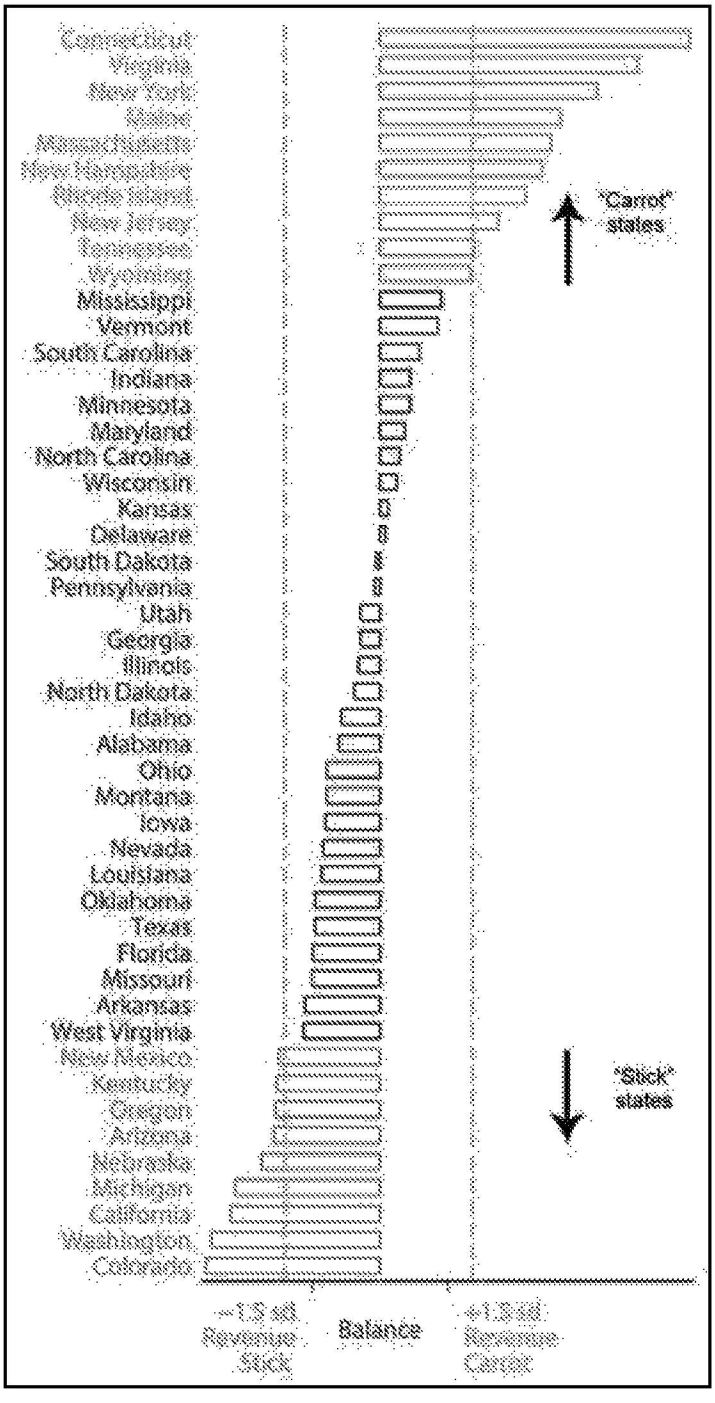
either altogether unencumbered by the absence of state TELs, as in Connecticut; limited only on the margins, as in Rhode Island or Tennessee; or limited via more aggressive TELs offset via significant funding from the state, as in Massachusetts.

Revenue stick states – such as Michigan, Colorado, Washington and California – are depicted in brown. These state governments (or state citizens via the referendum or initiative process) constrain the fiscal autonomy of local government officials rather than buttress it via state aid. An extensive body of research on the local effects of state-imposed TELs strongly suggests that revenue limits have worked: local own-source revenues have been reduced in the states that impose such limitations. Though there is some historical evidence that state legislatures in certain states have offset these limitations via state aid (Mullins and Joyce, 1996), revenue stick states tend to be far less generous in the allocation of intergovernmental revenue. All else being equal, we would expect the revenue capacity of local governments in these states to be constrained by their state context.

Michigan, for instance, has a TEL score well above the most recent annual state average, coupled with slightly below average state aid. The problem with local fiscal sustainability in revenue stick states such as Michigan stems from local governments' heightened reliance on state revenues, which in Michigan is a function of two large TEL ratchets and, in the post-Great Recession period, sharply declining property tax revenues. This high degree of dependency remains in place today. Yet, much like the way that Michigan's Proposition A has exposed critical local education funding to state budgetary battles (Cullen and Loeb, 2004), the state's unyielding property tax rate limits, coupled with special features of the Headlee Amendment that forbid the use of some alternative revenue sources employed in other states (e.g., income, sales and motor fuel taxes), have had the unfortunate side effect of essentially entwining local fiscal health with state legislative politics. As the state economy faltered under a one-state recession throughout much of the 2000s (Darga, 2011), the past decade has seen both clear declines in statutory revenue sharing and heightened levels of uncertainty over revenue-sharing rules (Lavelle, 2014, pp. 2-3).

Michigan's is a precarious fiscal context even for the most well-managed city government. It is particularly onerous for lawmakers in older, industrial cities such as Flint, which has been dealing for some time with sustained job and population loss, waning bureaucratic capacity, and increasingly daunting economic, social and physical challenges (see Doidge et al., 2015). In the words of one local official, if aid is reduced, "It's not rocket science ... pretty much raise taxes or cut services. That's what it boils down to" (McDermott and Powers, 2002, p. 12). Local lawmakers in a state such as Michigan, where they operate

Figure 5. Revenue "Carrot" and Revenue "Stick" States



with very limited discretion over revenue capacity, can boil it down even further: reduce or eliminate services or face the prospects of possible financial meltdown. All cities face political constraints on raising tax revenue. And certainly, some cities have managed their financial affairs in the face of economic decline better than others. However, for those seeking to fully grasp the nature of local fiscal health, we must continue to focus on ways in which states effectively create a mismatch between fiscal needs and available resources into their cities' local fiscal decision-making environment.

(2) Expenditure-side Pressures: Labor Costs and State Regulation of Local Public Employee Collective Bargaining

In addition to the revenue squeeze that some states impose on their local governments, state governments also impose a range of expenditure-side pressures that can drive up local costs.[18] As state governments continue to streamline bureaucracies and downsize operations, service burdens have been shifted onto local governments, often "without careful consideration whether this was the correct course" (Gold and Wallin, 1999, p. 73). As one prominent National League of Cities report argues (2003, p. 23), the transference of "program responsibilities from state and federal government, as well as the imposition of state and federal mandates, increase the roles and responsibilities of municipal governments, often without corresponding fiscal capacity or authority." Observers and analysts interested in the expenditure-side burdens that state policies place on local officials typically focus on the effects that costly mandates in areas such as health care and pollution abatement have on local government budgets (see Berman, 2003, pp. 77-83). Far less attention is paid to what we might call *de facto* spending pressures – the hidden but potentially damaging state-level decisions, policies and institutions that can destabilize local governments' fiscal capacity.

Consider, as we do in this report, local governments' large and increasing burden to pay for previously obligated labor costs. Labor costs, including wages and benefits for current employees as well as pensions and other postemployment benefits (OPEB) such as retiree healthcare, currently make up the largest category of operating costs for local governments. As pointed out in a recent MSU white paper (Scorsone and Bateson, 2013), municipalities were not required to measure the total costs of OPEB until an accounting standard was issued in 2004, with implementation beginning in 2007. Now that local governments have calculated and accounted for OPEB, many are faced with a massive commitment. Indeed, MSU's review of Michigan cities facing severe fiscal stress revealed that each city was confronted with a substantial unfunded OPEB liability (Scorsone and Bateson, 2013).

Though local government employee pensions and OPEB are seemingly always in the headlines, few seem to be asking why observers are more able to link labor costs to local fiscal distress in certain states than in others. Why do we hear so much about Michigan, Pennsylvania, California, Rhode Island and New Jersey? The answer, not surprisingly, is that, although city lawmakers are often criticized for overly cozy relationships with public employee labor unions (see, for instance, Gillette, 2014a; Rozansky, 2012; Greenhut, 2012), critical elements of employee benefit costs are structured by state law. State law may require bargaining by the employer, may provide only for a bargaining forum without requiring it or, alternatively, may simply prohibit collective bargaining altogether. State laws vary in the coverage of certain types of local employees. These rules address the types of items that may be bargained over, such as work rules, pay and benefits. Finally, the collective bargaining laws may include a process for dealing with impasses, such as binding arbitration rules. In line with the framework proposed at this report's outset, we view the mix of these rules as a set of processes and constraints that directly influence a municipality's fiscal capacity.

Table 1 places the local public employee collective bargaining environment of the contiguous 48 states into a five-category classification scheme ranging from very weak to very strong. (See the research approach appendix for a more detailed explanation of this measure.) As Table 1 makes plain, states vary with respect to the collective bargaining environment for local public employees. Not surprisingly, states with strong and very strong collective bargaining environments (e.g., those that impose a duty to bargain with strong union security provisions) have comparatively high union membership rates as well, with New York, Rhode Island, New Jersey, Connecticut, Massachusetts, California, Illinois, Oregon, Minnesota, Pennsylvania and Michigan each holding union membership rates in excess of 50 percent of state public employees. Unionization rates in weak and very weak states, such as Mississippi, South Carolina, North Carolina, New Mexico, Wyoming, Utah, Georgia and Virginia, on the other hand, tend to fall around 10 percent.[19]

State laws concerning pensions and health benefits illustrate, in part, how state-imposed structures affect city expenditure choices. Yet recent attention to employee compensation, pension system funding/underfunding and, especially, the cumulative impact of local government employee costs on current municipal cash flows have

18 This general phenomenon has been termed "second-order devolution" – meaning the transfer of program administration and/or substantive policy powers from the federal and state governments to America's cities and municipalities (see Bowman and Kearney, 2011).

19 Statistics from Union Membership and Coverage Database (see Hirsch and Macpherson, 2003).

brought these issues, in particular, into national focus. To be clear, we do not suggest that a non-unionized workforce is the key to a fiscally sustainable city. City governments must compete with other employers for workers, and rules governing bargaining are part of a state's larger labor culture. Our simple argument is that, in light of the sizeable role for local labor costs in local budgeting as well the implementation of new accounting standards, city governments operating within states with more permissive collective bargaining provisions are more likely to face budgetary constraints. It is easy to pin these constraints on lousy decision making, yet these constraints owe much to higher labor costs and the cumulative costs of payment decisions that are, to a large degree, governed by state policy.

(3) The State Context for Local Fiscal Distress: Tension Between Revenue and Expenditure Pressures

Analysis of the interplay of revenue and expenditure pressures allows for a more detailed assessment of the nature of the fiscal context in which states place their local lawmakers. We offer this analysis as something of a corrective to the typical perception that a city's financial destiny is either entirely within or entirely outside of its control. When assessing why certain local governments seem to respond more effectively to their financial problems than others, our research suggests that identifying on Figure 6 (see page 14) the state in which the city is located is a good place to start. The state's coordinates represent an empirical measure of the state context for local fiscal distress – meaning the tension for local lawmakers between state-imposed revenue-side pressures (captured on the horizontal axis) and state-imposed expenditure-side pressures (captured on the vertical axis).[20]

20 More technically, the horizontal axis captures our measure of the revenue pressures that states inflict upon their local governments (standardized TEL severity score minus standardized average per capita aid score). The vertical axis represents a standardized measure of public employee union coverage, an approximation of the severity of the average city's relatively fixed labor costs. The light gray shading represents the distance between one quartile above and one quartile below the median; thus states that appear outside these two intersecting ranges are quite different from average on both elements of the state context. Dark shaded points indicate state governments that authorize state intervention in financially distressed local governments.

Table 1. State Collective Bargaining Environments for Local Public Sector Employees

Collective bargaining environment	States		Brief description
Very strong	Illinois Minnesota Montana Ohio	Oregon Pennsylvania Vermont Wisconsin	Duty to bargain Strong union security provisions Strikes are permitted with qualifications
Strong	California Connecticut Delaware Maine Massachusetts Michigan	New Hampshire New Jersey New York Rhode Island Washington	Duty to bargain Strong union security provisions Strikes are prohibited
Moderate-mix	Florida Idaho Iowa Kentucky	Nebraska Nevada Oklahoma South Dakota	Some bargaining rights Weak union security Strikes are prohibited
Weak	Arizona Arkansas Indiana Kansas Louisiana Missouri	New Mexico South Carolina Texas Utah West Virginia Wyoming	Limited collective bargaining rights Right to work Strikes are prohibited
Very weak	Alabama Colorado Georgia Maryland Mississippi	North Carolina North Dakota Tennessee Virginia	Collective bargaining is prohibited Right to work Strikes are prohibited

Figure 6. Assessing the State Context for Local Fiscal Distress

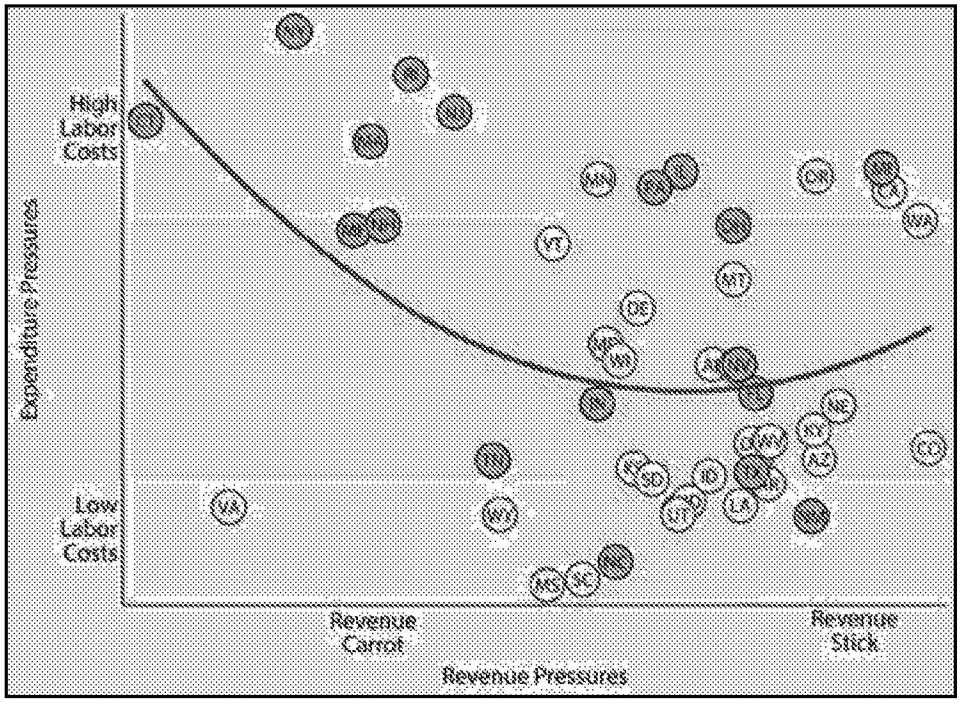


Table 2. Tabulating the State Context for Local Fiscal Distress

State-Imposed Expenditure Pressures	State-Imposed Revenue Pressures		
	Carrot	Balance	Stick
High	Connecticut Massachusetts New Jersey New York Rhode Island	Illinois Minnesota Pennsylvania	California Michigan Oregon Washington
Moderate	Maine New Hampshire Tennessee Vermont	Alabama Delaware Florida Indiana Iowa Kansas Maryland Montana Nevada Ohio Oklahoma Wisconsin	Arizona Colorado Kentucky Missouri Nebraska West Virginia
Low	Mississippi Virginia Wyoming	Georgia Idaho Louisiana North Carolina North Dakota South Carolina South Dakota Texas Utah	Arkansas New Mexico

If state-imposed revenue pressures increased with the severity of expenditure pressures, or vice versa, we would expect a positive "best fit" line (the dark curving line in Figure 6) moving from the lower left-hand quadrant to the upper right. As one might expect (or at least hope), these two elements of the state context tend to offset each other. States such as Colorado and New Mexico – i.e., more revenue stick states (local tax limitation increases outpace growth in the distribution of state aid) – avoid equally exacting expenditure-side pressures, at least when it comes to local labor costs. For states that do structure local collective bargaining in a way that favors higher local labor costs – such as New York, Connecticut and Rhode Island – these costs are at least partially offset by a more resilient and vibrant aid environment, coupled with limited own-source revenue restrictions.

The relationship between these two elements of the state context is negative, but it is not a purely linear relationship. Figure 6's most striking feature is its illustration that states placing extreme limitations on local revenue capacity (meaning they are more than one standard deviation above the state average on the horizontal axis) also tend to impose costly labor and service obligations (more than one standard deviation above the state average on the vertical axis). This relationship between revenue and expenditure pressures creates a best-fit line that resembles a backwards "J". This small handful of states that pull the line upward – which include Michigan and California – cluster in the upper right-hand quadrant of Figure 6. It is no surprise that acute financial emergencies have clustered in these states. We contend that they have structured local fiscal policymaking in a way that effectively incubates financial distress. Table 2 classifies the states in an effort to clearly represent the position of each of the lower 48 states along these two dimensions.

The threat of recurring structural deficits is "baked in" to the state-imposed legal and policy context in which local governments choose how to respond to fiscal problems. For lawmakers in America's older, industrial cities who must operate within these states, that choice is often not theirs to make. As we point out above, these states apply revenue and expenditure pressures on the front end, while also fostering a fiscal environment that exacerbates fiscal stress, links local fiscal health to budgetary battles, and all in all restricts the policy "space" for local fiscal policymaking. Michigan, however, is the only state among the incubators in the top right quadrant of Table 2 and Figure 6 that also intervenes "on the back end" by assertively implementing one of the nation's most powerful fiscal distress intervention policies (Anderson, 2011; Scorsone, 2014).

In light of the clustering of distressed localities within Michigan's borders, it comes as little surprise that Michigan lawmakers would value a policy that allows state officials to help struggling local governments meet conditions of chronic fiscal stress (Scorsone and Bateson, 2011; Doidge et al., 2015). However, as we discuss below, what is quite striking is the relationship between the policy's goals and design – which favors state takeover of local government – and the nature and underlying causes of the problem of acute fiscal distress. The financial consequences of deep-rooted economic and social forces are unlikely to be fully alleviated via temporary suspension of local self-government. Neither are the often overlooked but critically important state-imposed causes analyzed above. In what follows, we survey the state governments with more holistic and self-aware views of local financial distress in an effort to draw important lessons for Michigan lawmakers as they continue to struggle with chronic fiscal stress among the state's localities.

Section 2: If Takeover is the Solution, then what is the Problem? What Michigan Can Learn from the Ways in Which Other States Tackle Problems of Local Fiscal Distress

In the previous section, we make the case that state governments influence how local officials meet their financial problems via a combination of laws and policies that add or take away intergovernmental or own-source revenue capacity and drive up expenditure pressures via the allocation of policy authority over government functions and labor costs. In certain instances, such as when a state government caps property tax revenue and sets near insurmountable override standards, the effects of certain elements of the state context may be more or less direct. A city facing a near identical set of political, institutional, economic and social circumstances that operates in a neighboring state with no such revenue cap at least has the potential to capitalize on this capacity, assuming local political and economic constraints allow for the imposition of a property tax increase. But mostly the effects of this state context are more indirect. The policy balance between revenue restrictions and state aid, for instance, is not so much a direct measure of state policy choice as it is an outcome of a variety of state policy choices – e.g., revenue-sharing rules and formulae, the outcomes of citizen initiatives involving local TELs, legislative-executive budgetary processes, bureaucratic turf battles and so on.

Since as far back as the late 19th century, when the proliferation of railroad bankruptcies prompted states to take action to assist struggling localities (see Dimock, 1935 and 1940), state lawmakers, for fear that "a failing municipality will lower the credit rating of other localities and the state itself" (Berman, 2003, p. 113), have played a far more direct role in responding to local financial distress. The current menu of state policy options for intervening in distressed communities has been reviewed in two recent reports, one by Pew Charitable Trust researchers (Atwell et al., 2013) and a second by one of the authors of this report (Scorsone, 2014). One key shortcoming of these reports is the absence of detailed consideration of state context. Simply put, some states are part of the problem – they incubate financial distress via stringent restrictions on local revenue capacity and state policies precipitating local spending pressures. In other states, local policy options regarding the balance of revenue and expenditure flows are less encumbered by state policies and institutions. This diversity among state contexts is particularly important when reflecting on "best practices" for states dealing with acute local fiscal distress. For instance, close followers of issues of local finance often hear and read about North Carolina's strong oversight and monitoring mechanisms as standards to which state governments should aspire (see, for instance, Mattoon, 2014). But does it make sense for a state such as Michigan or New Jersey, for instance, to adhere to similar policy principles when local fiscal policymaking is structured in such dramatically different ways?

A second shortcoming of these reports is the dearth of detailed comparison among the 18 state governments that currently have an intervention policy. We refer readers to these reports for their quality in cataloguing the formal policy powers of state lawmakers on paper. Neither, however, is as useful at considering these policies in practice. This is a key tension in policy analysis generally and in instances of intervention in particular. The choice of the state's appointed and elected officials to employ the power they have at their disposal and intervene in a distressed community (often meaning the temporary suspension of democratic processes) presents a particular type of implementation dilemma imbued with questions of racial bias, social and economic imbalances, and the legal and political culture that guides state-local relations.

To fully assess the role of state governments in financial distress, we held a workshop for state government officials, analysts and experts with deep knowledge of state operations in local financial affairs. The Workshop on State Intervention in Distressed Communities, held in the fall of 2014 in Detroit, ultimately brought together a diverse group of 28 practitioners and policy experts from six states facing similar sets of local fiscal problems: Michigan, Rhode Island, New Jersey, Pennsylvania, New York and Ohio.[21] The appendix provides a detailed overview of the structure of the event and the types of discussions that were held.

Our primary goal was to provide a venue facilitating the open exchange of ideas and techniques for approaching the complicated problems facing cities in fiscal crisis. Indeed, as we discuss below, one recommendation of this research

21 This portion of the process focused specifically on how states approach intervention. Though many of the participants in the workshop were intimately involved in making decisions at the city level, we intentionally chose participants representing the state perspective rather than that of local decision makers.

report is to continue to advance this and similarly minded endeavors as a means of facilitating what Peter May (1992) refers to as "instrumental policy learning," which can improve state officials' understanding of the benefits and limitations of particular policy approaches or administrative designs. A second goal centers on learning more about the states' implementation processes for deciding whether to designate a city in distress, take it over temporarily or, in the most extreme cases, help shepherd its path to municipal bankruptcy. Our final goal was to investigate the types of "causal stories" (Stone, 2011) that state officials and experts used when considering the fiscal conditions facing their local governments. We held structured discussions about how the problem of local fiscal distress is defined (i.e., who or what bears the responsibility) and the ways in which state governments enshrine this problem definition via the design and implementation of financial emergency policies.

In what follows, we begin with a brief outline of Michigan's approach to local financial emergencies, paying special attention to linkages between the state's policy solutions, the nature of fiscal stress in Michigan's municipalities and the "front-end" context identified in Section 1. We then turn to alternative approaches employed in other key states. We begin with North Carolina, a state whose Local Government Commission, which administers the policy for dealing with financially challenged communities, has received a great deal of national credit. We then move to states facing more comparable sets of local conditions – i.e., with many older, industrial and fiscally vulnerable local governments suffering from population and job loss – that also have a history of state intervention in fiscally distressed communities. The goal here is not comprehensive overview. Rather, we set out to identify key dissimilarities with the new generation of intervention policies – of which Michigan's current policy is the poster child – and to illustrate how state governments facing similar sets of challenges can more effectively align their policy regarding direct involvement in fiscally distressed communities with the nature of problems that these communities face, as well as with state-imposed constraints that hamper their capacity to balance revenue and expenditure flows.

We designed Table 3 (see page 18) to help guide this discussion. The first two columns summarize the state context analyzed in Section 1 of this report. The four rightmost columns depict information summarizing the design and administration of the state's local financial emergency policy. The column labeled "causal story" reflects our assessment of how a state government, via its legislation of state intervention, comes down on the debate over the causes of local financial failure. For some states, the focal point is internal causes – poor management, the incompetence of local leaders, political corruption, the dominance over policymaking by narrow interests, and/or "antidemocratic" structures and processes that favor the whims of local officials over the needs of local residents (Gillette, 2014b). Other states focus on forces external to local management – i.e., socioeconomic conditions that are at once causes and symptoms of diminishing local service capacity and resources (see Kimhi, 2008), such as high and concentrated poverty, older building stocks, residential vacancies, high crime, deep-rooted regional changes, population loss and job loss. The column labeled "policy approach" captures the gist of the state's approach to financially distressed communities and reinforces the causal theory behind the policy's design. We also include information on the administration of the states' policies. Here the focus is on the powers of key administrative actors and their bureaucratic location. In line with a great deal of research on policy analysis and the policymaking process, we structure Table 3 in a way that suggests that key state decisions on goals, administration and implementation flow from how responsibility for the problem is assigned – i.e., the causal story (see Stone, 2011, p. 206). This information is provided for the six states that were represented at the Detroit workshop – Michigan, Rhode Island, New Jersey, Pennsylvania, New York and Ohio – as well as for North Carolina, a state that frequently gains attention for the effectiveness of its intervention policy.

(1) Michigan's Local Financial Stability and Choice Act: A Brave New World for State Intervention

The tenets of Michigan's intervention policy have been well-documented in research reports and news media. After the governor declares a fiscal emergency,[22] four possible courses of action are available to a municipality,[23] though local takeover by an emergency manager (EM) is the most common course of action. This allows a state-appointed manager to "act for and in the place and stead of the governing body and the office of chief administrative officer of the local government" and effectively grants this individual powers beyond those available to local officials.[24] Not only does he or she become responsible for all local fiscal decisions, including development and implementation of a recovery plan (which must be approved by the state treasurer), but the EM can also modify existing collective bargaining agreements, negotiate new union contracts and make personnel changes. The EM can also explore the option of consolidating services with another government entity, sell municipal assets and ask voters to increase the tax rate. The EM remains in this role until the city reaches certain benchmarks within its recovery plan, and a

22 A series of triggers are in place and one must occur – e.g., failure by the local unit of government to pay creditors or make timely pension contributions – prior to a state review of a local unit's finances

23 Consent agreement, emergency management, neutral evaluation or municipal bankruptcy.

24 141.1549, Sec. 9.

Table 3. Intervention Policy in the Context of State-Local Fiscal Relations

State	State Context		Local Financial Emergency Policy			
			Design		Administration	
	Revenue Pressures	Expenditure Pressures	"Causal" story	Policy Approach	Agency/Govt. Branch	Responsibilities
Michigan	Revenue stick (top 5%)	High (top 20%)	Management (internal)	State-appointed manager furnished with broad tools to restore solvency (mostly on spending side) once distress occurs. Michigan typically does not intervene in local fiscal affairs until a fiscal emergency is recognized. There is no program of prevention.	Governor Department of Treasury (Office of Fiscal Responsibility)	Declaration of financial emergency and appointment of powerful emergency manager. Monitor emergency management process and approve certain decisions.
New Jersey	Revenue carrot (bottom 10%)	High (top 5%)	Socioeconomic factors (external) Management (internal)	Support distressed communities. When/if cities enter distress, the state makes available monetary and technical assistance.	Department of Community Affairs (Division of Local Govt. Services)	Monitor and approve local budgets, certain debt and capital investments; approve of additional aid; advocate for local government interests.
New York	Revenue carrot (bottom 5%)	High (top 1%)	City specific	Generate city-specific solutions. The legislature designs and enacts a specific policy for each city in distress. Prevent distress from occurring. The comptroller's office has designed an extensive monitoring system, staffed by many state auditors, to help local officials stave off financial emergency.	Legislature Office of the State Comptroller Governor	Legislate and adopt city-specific legislation, including establishing local control board. Preventive monitoring of all local budgets and administration of fiscal monitoring system. Appoint local control board.
North Carolina	Balance/lean carrot (bottom half)	Low (bottom 5%)	Management (internal)	Central control prevents distress. North Carolina has a highly centralized system designed to prevent risky decision making and borrowing by municipalities.	Department of Treasury (Local Government Commission)	Review audits, monitor local fiscal health, approve and settle local debt issues, require remediation plan.
Ohio	Balance/lean stick (top 40%)	High (top 25%)	Management (internal)	Support local control. Ohio intervenes at the request of local officials; recovery plans are submitted by local officials.	State Auditor (Local Government Services Division)	Train local officials, audit local budgets, classify distressed communities.
Pennsylvania	Balance (bottom half)	High (top 20%)	Socioeconomic factors (external) Management (internal)	Helps troubled communities "help themselves." Even in receivership, aims to address causes and prevent relapse, though communities may be unable to exit the state process because of systemic barriers.	Dept. of Community/Econ. Development (Center for Local Government Services)	Place cities under receivership, distribute financial aid to distressed cities, monitor fiscal status of cities.
Rhode Island	Revenue carrot (bottom 15%)	High (top 5%)	Management (internal)	Restore solvency and prevent further decline once distress is imminent. Rhode Island has a strong receivership policy. It also offers additional assistance to cities approaching distress to help prevent full-fledged crisis.	Department of Revenue (Division of Municipal Finance)	Monitor all local governments, aid governments in or at risk of distress; appoint receiver.

receivership transition board is appointed by the governor to assist in transition until the official termination of receivership.

The structure of Michigan's successive intervention laws and the powers granted to the emergency manager point to a particular type of causal story – local government mismanagement as the chief barrier to fiscal solvency. The state's solutions and assistance all center on correcting local decisions that led to chronic budget shortfalls, and the main focus of Michigan's law, which is administered by the Department of Treasury, is to ensure a balanced budget. Efforts to achieve short-term fiscal solvency typically center on reductions in cities' financial obligations – e.g., cutting pension obligations, making personnel cuts and contracting out services traditionally provided by local governments. EMs and other state officials have little leeway to affect the revenue side of local governments' ledgers. As Anderson (2011, p. 620) argues, the viewpoint being expressed by the design and implementation of Michigan's policy is "that the current revenue picture of the city is adequate to provide for public safety, debt service, and other core expenses—if only ... the city had competent management." Indeed, little or no financial support accompanies state takeover. This is a telling feature of the state law that sheds considerable light on both the degree to which the policy oversimplifies the causes of local fiscal distress and the mismatch between the administrator's toolkit and the nature of the problem.

To respond to the question at the outset of this section: if takeover is the solution, the problem is mismanagement. Michigan codifies this causal story in a way that is less adulterated than in any other state we have surveyed. In other words, the state has adopted and codified a vastly oversimplified story. Even Rhode Island, which granted similarly sweeping powers to its state-appointed emergency managers, offers additional assistance to cities approaching distress to help prevent full-fledged crises. The state has also seen EMs (called "receivers") raise local taxes to generate more local revenue. This less than favorable assessment of Michigan's policy is buttressed by the absence of emergency bailout funding, a traditional feature of the more aggressively implemented state intervention policies (Berman, 1995; Anderson, 2011), as well as meager revenue-raising powers. EMs are empowered to tackle city expenditures as a means of bringing local budgets into equilibrium, but revenue-raising powers are effectively more limited than the powers normally afforded a city's mayor or council member. As has been pointed out elsewhere, for cities such as Flint, Ecorse, Benton Harbor and Pontiac, this is a gross oversimplification of the structural barriers to fiscal sustainability (Doidge et al., 2015). Our aim in this report is not to disprove the notion that mismanagement is the cause. We merely point out that the policy's design and implementation features devalue the considerable constraints that the state places on the revenue capacity of local officials.

(2) The Limited Applicability of "Best Practices": Why Adoption of North Carolina's Policies Won't Work for Michigan

The reentry of Michigan's cities into emergency management and the number of local governments and school districts in trouble have led to suggestions that Michigan should look elsewhere for answers.[25] A Pew Center on the States report suggests that North Carolina's monitoring system has prevented fiscal distress despite a history of crises during the Great Depression and some of highest unemployment rates in the country (Pew Charitable Trusts, 2013).

The Local Government Commission, a division of the North Carolina Treasury Department, reviews cities' independent audits on key fiscal health indicators, particularly the level of fund balance. If a locality fails to meet a specific threshold, it is placed on the commission's watch report and required to submit a plan of improvement. If local officials are unable to return the municipality to an acceptable level on their own, the commission assumes control of all local financial decisions, including taxing issues, until the problem is corrected. Additionally, the commission approves and sells all local bonds for public structure investments, which both increases the level of state oversight and reduces the potential for local mismanagement of debt. Bond agencies assign a premium to this monitoring system, considering it a model system (Coe, 2007).

Features of North Carolina's approach provide intriguing options for Michigan lawmakers, such as a codified, professional state office and extensive front-end monitoring to identify potential crises. However, evaluating these policies in isolation – i.e., in the absence of key contextual factors – is likely to overstate the potential success of North Carolina's policies if they were to be enacted in Michigan.

For instance, according to the U.S. Census Bureau, in 2007, North Carolina had 548 municipalities, no other local general-purpose governments and 100 counties; Michigan had 533 cities and villages (municipalities), 1,242 townships and 83 counties. A consequence of Michigan having three times as many local governments as North Carolina is that the volume of reports that would need to be reviewed for monitoring purposes would be three times as great.[26] Certainly this would require more resources devoted to oversight at the state level, thus putting additional stress on the state budget.

The states differ greatly on other dimensions of the elements of state context identified in Section I. North

25 http://www.crcmich.org/PUBLICAT/2000s/2000/memo1053.pdf.

26 This does not include the additional resources that would be required to monitor school districts, special districts or other governmental units.

Carolina has an obligatory state pension system; Michigan does not. In 1947, North Carolina declared it illegal for local governments to bargain with unions.[27] Conversely, Michigan's local governments have a strong history of collective bargaining and excluded police and fire unions from 2012's right-to-work legislation. Tax and expenditure limits, when averaged from 1970 through 2005, rank Michigan as the third most restrictive state in limits placed on local governments. North Carolina is 38th – a property tax rate limit on counties and municipalities, set in 1973, has remained its only TEL.

The differences in the state policy context between the two states suggest that Michigan should be cautious when drawing lessons from North Carolina as its model for intervention policies. We attribute North Carolina's success in preventing municipalities from entering distress not to the design of its specific intervention policy but rather to a much tighter link between its policy approach and the state-imposed context for fiscal distress.

(3) Rebuilding State-Local Partnerships: Key Insights from Rhode Island, New Jersey, Pennsylvania, New York and Ohio

One of the more striking findings to emerge from our workshop and subsequent research is the difference between Michigan's approach to local fiscal distress and the approaches of comparably situated state governments. These differences are laid bare in Table 3. Plainly put, state policies and institutions effectively incubate budgetary imbalances; yet lawmakers and administrators have ignored potential front-end damage when designing the policy aimed at helping communities in distress. Rhode Island, the state most comparable to Michigan in the priorities of its intervention policy and the powers granted to state receivers, also provides financial assistance to municipalities most in need, targeting aid to communities with a high property tax burden relative to taxpayer wealth through the state's Distressed Communities Relief Fund thus buttressing the revenue capacity of its local governments.[28] With respect to this specific aspect of state context, Rhode Island generally provides higher levels of state aid.

New Jersey and Pennsylvania: A More Comprehensive View of Local Financial Failure

Beyond Rhode Island, Michigan lawmakers have a variety of states from which to learn about the viability of policy alternatives. New Jersey and Pennsylvania have enacted receivership laws that are quite different than Michigan and Rhode Island. Internal mismanagement is not eschewed entirely; rather it is considered alongside the external, structural dynamics with which local lawmakers must contend. This more holistic causal story both reinforces and is reinforced by choices that these states have made regarding implementation and administration.

New Jersey's policy of assisting cities during times of financial crisis originated in the Great Depression. Since that time, the state has built support within its bureaucracy to review and approve city budgets and offer financial and technical assistance as needed to prevent cities from entering bankruptcy. Rather than appointing a state-level official to take charge of a city`s finances (such as an emergency manager in Michigan),[29] New Jersey seeks to assist local officials in alleviating distress. This partnership is reflected in the mission statement of the New Jersey Division of Local Government Services (DLGS), a division of the Department of Community Affairs. It states that the DLGS "serves as an advocate for local Government interests," provides assistance and is responsible for "financial integrity." The DLGS provides advisory services to local governments, both once the community is identified as distressed and on request of the municipality, and also licenses and educates local officials.

Not surprisingly, these two services help establish a partnership between state and local officials independent of the financial position of the municipality. The state requires that all local government budgets and certain financing and purchases be approved by state agencies.[30] The budget review is conducted by department staff members (many hired short-term annually) and is made easier for local units of government by state-provided training and consistent reporting requirements. When these preventive actions fail to ward off systemic financial issues, the state begins a more involved intervention. The community is first placed on a watch list, at which point the state generally channels additional monetary aid to the struggling government. The state also uses its Qualified Bond Act Program, which requires state approval to bond or make capital expenditures, to ensure stability and prevent default. This program can capture and stall state aid for payment of debt services. At the same time, DLGS offers technical assistance to cities to help them solve underlying problems that contribute to fiscal distress.

The most notable example is the consolidation of the Camden police force in 2010. The mayor terminated the entire city police force and contracted with the county to provide those services, with the guidance and support

27 N.C. Gen. Stat. 95-78 to 84 (http://www.nrtw.org/right-work-states-north-carolina).

28 Established in 1990. Municipalities that fall in the bottom 20 percent of three of the law's four indices qualify to receive state aid under the law. In the 2014 fiscal year, seven municipalities received funding through this legislation, a total of $10.4 million

29 Until recently, when Atlantic City was declared to be in fiscal distress and an emergency manager was appointed.

30 Procurements over $5 million must be reviewed by the comptroller, and those over $10 million must be directly approved.

of state officials.[31] Camden illustrates the cooperative efforts of various levels and sectors of the state and local governments. It highlights that preventive efforts to maintain or restore fiscal sustainability are not always sufficient, but that a collaborative approach can assist cities and the state through difficult political decisions. New Jersey's approach indicates that the state views itself in partnership with local governments, with a responsibility to provide a check on risky financial decisions but also to provide ongoing financial assistance to struggling communities.

In contrast to New Jersey's hesitance to use direct state control, Pennsylvania's Act 47 allows the state to place fiscally distressed communities in receivership under the direction of the Center for Local Government Services in the Department of Community and Economic Development. Once a municipality has been placed under receivership, local government officials must have the majority of their decisions confirmed by the receiver, and the receivership board may implement cost-saving or revenue-raising strategies unavailable to local officials. The board has the ability to raise taxes above the legal maximum but has no additional powers in collective bargaining. Principally, the receiver acts as a liaison between the local government and others to improve the financial integrity of the city and is typically able to broker additional state funding for the distressed community. In Harrisburg's recent financial descent, for instance, the receiver was able to facilitate $25 million of revenue to fund a non-profit that would provide infrastructure and economic development.

Receivers in Pennsylvania tend to take a comprehensive view of local financial difficulties as they work with the state to look for alternative partnerships and unique revenue-enhancing and cost-sharing schemes. Proposed financial recovery plans often include recommendations that will improve local governments' economic positions in the future. This approach extends through the process of recovery. It requires more research, more interactions and coordination between parties, and more time to allow for business adjustments and industrial reorganization. Furthermore, it includes a period of weaning cities off the additional funding to which they had access during their most trying times. To officially exit Act 47, cities must follow an extensive process that includes hearings and the department director's signature. As a result, Pennsylvania has had only seven of 28 distressed communities officially conclude the process. Allowing cities to remain in a system with additional structure and support illustrates Pennsylvania's acknowledgement that factors outside of local control contribute to fiscal issues, and that the state has some role in providing additional support.

In all, intervention policies in New Jersey and Pennsylvania are administered by state agencies dedicated to working with local governments. State personnel are involved with municipalities well before distress, and they have resources and authority to assist municipalities. Though administrators are afforded the statutory authority to assume greater control over city finances, this is not the only facet of their relationship with local governments.

New York and Ohio: The Benefits of Monitoring

Similar to New Jersey and Pennsylvania, New York has established a system that supports state and local cooperation and information sharing. As local fiscal crisis deepens, the state becomes more involved in local political and operational affairs. The state's policy approach to local fiscal emergencies is ad hoc\ (rather than multijurisdictional), allowing lawmakers to survey the specific causes of distress for a given community and legislate solutions in line with these problems.

As is well-documented, New York's history of fiscal intervention begins with New York City's near bankruptcy in 1975. Naturally, a crisis of that magnitude spurred state action, but since that time, New York has not been plagued by chronic distress. This is due in part to cities' ability to increase revenues without legal restriction (until 2014, when the state imposed a cap on property tax increases). Additionally, many New York communities have avoided the economic peril that results from a loss of major industries and subsequent economic restructuring.[32] This history is evident in the state's view of municipal distress as an unusual and unique instance that requires customized solutions. New York provides gradual intervention and individualized approaches to distress, with the decisions and the process supervised by state elected officials – the governor, the legislature and the comptroller.

In addition to customized intervention approaches to distressed cities – which could violate the constitutions of states that disallow special legislation – New York is also heavily involved in monitoring the fiscal position of its local governments. The state's Local Government and School Accountability (LGSA) unit of the Office of the State Comptroller operates the Fiscal Stress Monitoring System, which reviews annual financial data of local governments to determine whether each government is facing significant, moderate or probable fiscal stress. Municipalities must submit audit reports, which are reviewed and in some cases conducted by approximately 200 auditors.[33] From annual reports, budgets and audits, the LGSA creates local fiscal measures for benchmarking, trend analysis and

31 Returning to the role of other state policies in distress solutions, this action would not have been possible without particular provisions within union and employee contracts that allowed for such termination of individual employees.

32 Buffalo was an exception and did necessitate intervention proceedings. It should be noted that Buffalo is one of only four New York local governments responsible for operating its own school district.

33 These 200 employees review audit reports of school districts and other local governments as well as municipalities.

general monitoring over time and across local government types. State auditors are also deployed to work with local governments. As a result, state officials may use knowledge of community nuances in evaluating local deviations from sound fiscal indicators and state trends. Such specialization is particularly useful as state intervention becomes necessary.[34]

If a local government is identified as financially unsound, the state must pass special legislation to institute a local control board for the municipality to engage in the formal intervention process. After a local control board is created, primary authority over the struggling municipality is transferred from the comptroller's office to the governor-appointed board.

Each board, by the nature of the process, has different powers. Previous boards have overseen proposed local budgets and set personnel policy, and were granted the final authority to initiate bankruptcy proceedings.[35] That the boards have had no additional taxing authority, ability to renegotiate previous collective bargaining agreements nor authority to make unilateral budget decisions reflects the state's emphasis on local autonomy.

The boards have been particularly useful in coordinating intergovernmental solutions. For instance, the Buffalo Fiscal Stability Authority (BFSA) was established in 2003. It helped Buffalo manage its additional school district responsibility and restructured the city's pension and health insurance plans by joining the respective state-level systems. Finally, the BFSA brokered an arrangement for city parks to be managed at the county level and for 16 libraries to close. Despite the local knowledge and intergovernmental efforts, it took nearly nine years for Buffalo to exit receivership and for the BFSA to transition into an advisory role. Policy specifies that the BFSA will serve in this role until 2037, and the city may revert to full receivership if financial indicators show distress.

At the state level, New York vests its relationship with local governments and the power to intervene in elected officials – the governor, the comptroller and the legislature. This separates the state's ongoing monitoring from its intervention, and though it raises the legislative barrier to intervention by requiring the crafting and passage of legislation, it also provides public accountability and a system of checks and balances. The ability to draft city-specific solutions allows New York to address management issues, economic conditions and the impacts of the state context in different ways in each city, ideally assisting the community to long-term stability.

Ohio, like New York, faced a fiscal crisis in its largest city in the 1970s. Cleveland's default on short-term notes in 1978, which made it the first municipality to default since the Great Depression, led Ohio to develop a comprehensive policy designed to prevent and, if necessary, intervene in distressed cities (Pew Charitable Trusts, 2013; Levine, Scorsone and Justice, 2013). No municipality has defaulted since Cleveland, but Toledo, East Cleveland and other municipalities have entered fiscal emergency status, particularly once the Great Recession exacerbated declining revenue bases and expenditure pressures.

Ohio's Local Government Services Division, located in the state auditor's office, is responsible for training local officials and auditing local budgets. Chapter 118 of the state code,[36] which deals with local fiscal emergencies, grants the Local Government Services Division (the auditor) responsibility for categorizing distressed communities for fiscal caution, fiscal watch or fiscal emergency. The categorization system signals to local officials, bondholders and other stakeholders the extent of the local government's fiscal stress and the ease of financial recovery anticipated. It serves as a useful continuum of distress, recognizing that failing to pass one indicator of financial soundness may not require the same actions as a community failing multiple triggers. Each category has an increasing level of oversight (i.e., requirements for audit depth and financial plan proposals). Once fiscal emergency is declared, an advisory board is created.

Under all three distress categories, local governments are required to submit recovery plans to the Local Government Services Division. If a local government is not compliant with its recovery plan, the only penalty is movement to a higher designation of fiscal distress. It is not until a municipality reaches the fiscal emergency status that penalties are imposed.

As part of the fiscal emergency proceedings, municipal officials must submit a recovery plan to the recovery board for approval. If a plan is not submitted or the local government fails to adhere to a plan, the Office of Budget and Management is supposed to suspend all state funding to that municipality,[37] though this penalty has never been fully enforced.

34 Ultimately, any distressed community implements solutions that are specific to its condition. A universal policy prescription is to reduce expenditures. However, no universal prescription can be made on what account specifically should be limited and in what way. Knowledge of exact inefficiencies, redundancies, slack and so forth is necessary to act. If outside agents are to advise on such actions, their already having some knowledge of the particulars of the city will allow for more expedient and implementable recommendations.

35 Control boards are not granted this authority for New York City.

36 The other elements comprising the law became effective, were revised or added in 1996, 1999, 2001 and 2002 – http://codes.ohio.gov/orc/118 (pdf). The state's approach is consistent with the autonomy allowed Ohio's local governments. Section 118.02 (B) of the state code states that, "[t]he intention...is to enact procedures, provide powers, and impose restrictions ...while leaving principal responsibility for the conduct of the affairs...in the charge of its duly elected officials." The effort to maintain local autonomy is demonstrated by the fact that the review process of the Local Government Services Division is initiated by request of local officials as well as at the suggestion of auditors.

37 Although individuals receiving direct state welfare within the community's borders continue to do so.

Ohio, like other states, struggles with assisting communities to achieve permanent fiscal stability. The city of East Cleveland was under fiscal emergency for 18 years. Exiting the process failed to mark long-term sustainable success – East Cleveland was once again placed under fiscal emergency. In late 2014, it was considering entering into bankruptcy proceedings,[38] and the city's mayor filed a petition seeking a merger with the city of Cleveland in the summer of 2015.[39]

Ohio, like Michigan, illustrates the issues that arise when a state's solution (intervention policy) does not match the causes of distress (context). Local officials retain control of decision making and the plan to resolve distress, but they and the state agency responsible for intervention lack the authority or resources to address the root causes of distress or to circumvent the pressures that the mix of state policies adds to local fiscal policymaking processes.

38 http://www.morningjournal.com/general-news/20141226/east-cleveland-considers-bankruptcy.

39 http://www.cleveland.com/cityhall/index.ssf/2015/07/east_clevelandmayor_gary_nort.html.

Section 3: Conclusions and Recommendations

In the previous sections we identified the ways that broad state policies limit or enhance the local governing options and the ways that states with intervention policies match their approach to local financial distress with the reality of city operating environments. Here we conclude our analysis with conclusions and practical recommendations to assist the C.S. Mott Foundation, state and local officials, and Michigan residents in identifying a more effective approach to local fiscal crises.

(1) Conclusions

There is no single model policy for state intervention in distressed cities or for prevention of fiscal distress. Changing Michigan's fiscal intervention law to replicate that of another state would likely provide little improvement for Flint or other cities facing fiscal crises. There is no "best practice" for state intervention in cities. What Michigan can learn from other states and our research is that removing and repairing mismanagement addresses only one cause of fiscal distress. Bringing a structurally imbalanced budget back into balance is an important step to assist cities like Flint, but a policy that does not address a state's unique system of revenue, tax and expenditures, and labor policies may not help cities truly escape financial trouble over the long term. States must decide which legal and political tradeoffs they are willing to make to support city fiscal health. Michigan must also recognize that, in comparison with similar states, it provides a particularly difficult environment for its cities.

Municipal fiscal distress is not just a local problem. State policy choices set the boundaries for local action and the conditions under which cities receive assistance. It is not surprising that these conclusions do not point to simple solutions, executable at the local level. Changing any one part of the state context is politically challenging, and it would be impractical to recommend major policy overhauls of Proposal A, the Headlee Amendment, collective bargaining rules and state revenue sharing. Ideally, Michigan would adopt a more balanced approach to its local governments' fiscal needs, but we are aware that this is unlikely in the short term because of both political will and the high barriers to changing constitutionally enshrined rules. Instead, we offer recommendations that balance improvements that would better support cities in fiscal distress with political feasibility.

(2) Recommendations

Create a state agency that coordinates services to local governments and offers technical support and fiscal monitoring. Establishing a formal place within state government that is responsible for ongoing, cooperative work with local governments on fiscal stability and other issues would help create a partnership and culture of trust between the state and its municipalities. The Department of Treasury does provide some of these services on an individual basis via the Office of Fiscal Responsibility (OFR), but the OFR does not have the resources necessary to provide a comprehensive system of support to all of the state's local governments.

It is important that whatever agency is created be empowered with human resources to sufficiently provide service; financial resources, separate from the state's revenue sharing to local governments, to offer special assistance where needed to communities facing challenges or distress; and a position within the state departmental structure that allows it to be taken seriously when recommending policy and working with other departments to assist local governments. The examples of offices in the other states in our study may provide elements of the agency's design, but the office should be built with Michigan's particular context and culture in mind. It may be appropriate to expand the OFR in its current position, but moving the office to another department, establishing it as a stand-alone agency and other potential structures should be evaluated as well.

Raise awareness among citizens and state decision makers that the causes of fiscal distress are not solely at the local level. Flint is an example that can illustrate this point as the C.S. Mott Foundation and city leaders communicate with the public and state officials. As the city emerges from state control, the budget is balanced for the short term, and the transition advisory board is in place to monitor management and compliance with the plan. Yet revenue projections show the city likely facing a structural deficit in the next five years with little available to cut from the budget. State control has reasonably removed management problems as the cause of deficits, yet the city's fiscal health remains precarious. A focused communications effort highlighting the combined effects of Michigan's expenditure, revenue and labor policies could help broaden the discussion of fiscal distress in the state and create awareness that this is more than a local problem. Rather than being the exception, Flint may be the harbinger of what is to come for Michigan's local governments without changes at the state level.

Appendix

Section 1

The following table lists the key concepts that make up core elements of the state context for local fiscal distress, our empirical measure of the concepts, and the data we brought to bear to generate these measures.

Concept	Measure(s) – by Figure/Table	Data
Revenue Pressures		
State Aid Environment	**Figure 1**: Annual average of per capita state aid in real 2005 dollars to three (population) classes of U.S. cities: (1) population > 100,000; (2) population between 25,000 and 100,000; and population between 5,000 and 25,000. Years: 1970 to 2005. **Figure 2**: Annual average of per capita state aid in real 2005 dollars allocated by each of the 48 contiguous states for the years 1970 and 2005.	U.S. Census Bureau. Annual Survey of State and Local Government Finances and Census of Governments (1970-2005). See: http://www.census.gov/govs/classification/
Tax and Expenditure Limits	**Figure 3**: Annual count of state adoptions of five types of TELs, 1970 to 2005. **Figure 4**: State TEL severity score for 1970 and 2005. Severity score indexes six key characteristics of state-imposed TELs: (1) the type of TEL; (2) if the TEL is statutory or constitutional; (3) growth restrictions; (4) method of TEL approval; (5) TEL overrides and exemptions; and (6) method of override.	Amiel, Deller, and Stallmann (2009). http://www.aae.wisc.edu/pubs/sps/pdf/stpap536.pdf
Revenue "Carrot" and Revenue "Stick"	**Figures 5 and 6 and Table 2**: Displays policy distance between state aid environment and state-imposed TEL restrictions. State aid and TEL z scores were calculated for each state year. (These standardize the relationship to the average of all states and all years and represent how many standard deviations a score is from the average.) The aid measure is per capita state aid in real 2005 dollars for cities with populations over 5,000. The TEL measure is the TEL severity score described above. These scores were then differenced (Aid_z minus TEL_z in Figure 5; TEL_z minus Aid_z for Figure 6 and Table 2) to create the distance measure. The values displayed are the average distances from 2000 through 2005. Carrot states are 1.5 standard deviations above the mean difference; stick states are 1.5 standard deviations below the mean difference.	**Aid**: U.S. Census Bureau. Annual Survey of State and Local Government Finances and Census of Governments (1970-2005). **TEL**: Amiel, Deller, and Stallmann (2009).

Expenditure Pressures		
Collective Bargaining Environment and Labor Costs	**Table 1:** Five-category classification scheme, ranging from Very Weak to Very Strong. The collective bargaining strength of local police, local fire fighters, teachers, and "other" local employees – the four main functional areas of local public employment – are measured along three dimensions: (1) collective bargaining rights for local public employees, ranging from "Duty to Bargain" to "Collective Bargaining Is Prohibited"; (2) Union Security Provisions via the existence of a Right-to-Work Law for local public employees; and (3) Strike Policy Provisions. **Figure 6 and Table 2:** Public sector employee union membership as a percent of all public sector employees in state, 2000-2014. Z scores were calculated to standardize the relationship to the average of all states over this 15-year period. The score represents how many standard deviations a state's percentage is from the average state.	**Collective Bargaining Environment:** NBER Public Sector Collective Bargaining Law Data Set. Valletta and Freeman - original (1988); Rueben - update (2000). See: http://www.nber.org/publaw/ **Labor Costs:** Hirsch and Macpherson. (2003).Union Membership and Coverage Database from the Current Population Survey: Note. See: http://unionstats.gsu.edu/CPS%20Documentation.htm

Section 2

We invited three types of individuals to participate in the Workshop on State Intervention in Distressed Communities held at Detroit's Greektown Hotel and Casino October 16-17, 2014: individuals who were formally involved in various elements of state intervention policy design and implementation, those involved in local fiscal distress and bankruptcy from a legal standpoint, and policy experts and researchers. The following table classifies the participants.

State/Affiliate	No. of Participants
Michigan	4
New Jersey	1
New York	1
Ohio	1
Pennsylvania	1
Rhode Island	1
Attorney's, private practice	2
Unaffiliated policy experts	3
C. S. Mott Program officers	2
Local finance professionals	2
MSU researchers	2
MSU research team	5

The following table provides a detailed agenda of the workshop proceedings:

Session Title	Outline
Setting the Context	Surveying the causes and consequences of local fiscal distress, with particular attention to the relatively weak position of local governments in the U.S. federal system: • Review of structural, economic, fiscal, intergovernmental, institutional, and political causes • Local governments' response to fiscal distress • State policies/institutions' role in local fiscal capacity • State policies designed to help local governments meet their financial problems
State Intervention in Distressed Communities: The View From Michigan	An in-depth view of Michigan's approach to local fiscal distress through the eyes of those closely involved in the policy's design, implementation, and evolution
A Deep Dive Into State Intervention: Policies on Paper v. Policies in Practice	A structured dialogue about the participants' experiences with key elements of state intervention. • *Stage 1: Getting in* Where and when is pre-intervention support offered? How are distressed localities identified? When and how do local governments enter the program? How are decision criteria applied? • *Stage 2: Developing a plan* Who carries out the intervention? What actions may these actors take? What are the specific goals of intervention? What are the chief barriers to effective implementation? • *Stage 3: Exit strategy* How does a local government exit the program? Are triggers well specified? When, if ever, are medium- and long-term fiscal, economic, or service-based objectives discussed?
Detroit, Michigan – Ground Zero for the Changing Fiscal Relations Between State and Local Governments	A detailed view of the City of Detroit's ongoing intervention and bankruptcy processes

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MICHIGAN STATE UNIVERSITY | Extension

The Flint Fiscal Playbook:

An Assessment of the Emergency Manager Years (2011-2015)[1]

MSU Extension White Paper

By:

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2. Dr. Eric Scorsone is a faculty member and Mary Doidge, Danielle Kaminski and Traci Taylor are or were graduate students in the MSU Department of Agricultural, Food and Resource Economics. Dr. Josh Sapotichne is a faculty member and Erika Rosebrook is a graduate student in the MSU Department of Political Science.

7/31/2015

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I. Introduction

The city of Flint, Michigan, has experienced a variety of fiscal difficulties since the early 2000s. In 2002, an emergency financial manager was appointed for the city under Public Act 72 of 1990 and was in place until 2004. Unfortunately, the reforms and changes made at that time only lasted for a few years before fiscal problems re-emerged in Flint (see MSU Extension white paper *Long-Term Crisis and Systemic Failure: Taking the Fiscal Stress of America's Older Cities Seriously*). By 2011, a second wave of emergency managers would be named to run the city under two newer laws (including PA 4 of 2011 and PA 436 of 2012). These emergency managers were removed from the city, restoring home rule in April 2015. The key question: Can Flint avoid the problems that have plagued it for the last 15 years without being placed under state control for the third time? Before answering that question, we must understand the reforms and changes that have occurred in the city since a fiscal emergency was declared in 2011.

The objectives of this case study of Flint, Michigan, are to understand the economic and fiscal trends that led to the state takeover via an emergency financial manager in November 2011 and to analyze the impact of the emergency manager policy on the city's fiscal health. It updates trends presented in a previous case study on fiscal stress in Flint,[3] provides additional detail regarding the policy changes that emergency managers have made, and examines the impacts of those changes.

[3] Eric Scorsone and Nicolette Bateson, *Long-Term Crisis and Systemic Failure: Taking the Fiscal Stress of America's Older Cities Seriously* (Michigan State University Extension, September 2011), http://expeng.anr.msu.edu/uploads/files/42/MSUE_FlintCaseStudy-2011%202.pdf

II. Historical Overview of Flint, Michigan

Examining the history of Flint can provide an understanding of the evolution of the chronic fiscal stress that has plagued the city, as well as its significance in the geographic region. The city of Flint is located in Genesee County, about 60 miles northwest of Detroit. The Flint River provided the natural resources to create successful commerce in the 1800s for fur trading, the lumber industry, the manufacture of carriages, and eventually the production of horseless carriages that led to the birth of the automotive industry. The entrepreneurial spirit and wealth in the area contributed to the founding of the Buick Motor Company in 1903, followed by the incorporation of General Motors (GM) in 1908. With the rapid growth of the automotive industry came concerns for employee working conditions. This led to the first automotive sit-down strike in 1936-1937 in Flint. After 44 days, the strike ended with the first union agreement with GM, which gave rise to the United Auto Workers (UAW). The continued improvements in working conditions and wages enabled Flint to become an ideal place to live and work, and the increase in wealth fostered a well-respected educational system. Early automotive industry leaders such as Charles Stewart Mott and William C. Durant provided the vision to create a strong cultural environment. Flint prospered for most of the years from the 1930s into the early 1970s. Like many industrial cities, however, the economic vibrancy ebbed and flowed with the U.S. automotive industry. In 1978, GM employed over 80,000 Flint-area residents. By 1990, the number of employees decreased to 23,000, dipping to as low as 8,000 in 2006.

City Government

The City of Flint was incorporated in 1855. The present charter, adopted in 1974, provides for a strong mayor-council form of government. The city council consists of nine members, each representing a ward and serving four-year terms. The mayor, also elected to a four-year term, is the chief executive officer. The mayor appoints a city administrator, as well as principal officials and department heads.

The City of Flint provides a full range of services across 32.8 square miles, including: police and fire protection, construction and maintenance of streets and infrastructure, recreational and cultural activities, water and sewer services, and sanitation and garbage pickup services. In addition, the City of Flint is financially accountable for four other entities:

- City of Flint Board of Hospital Managers (manages and operates the Hurley Medical Center providing inpatient, outpatient, and emergency care)
- Flint Downtown Development Authority (promotes rehabilitation of the downtown area)

- City of Flint Economic Development Corporation (provides financing and development opportunities for businesses located in the City)
- Flint Area Enterprise Community[4] (coordinates the federal enterprise and helps to leverage the resources for the zone)

Flint is the county seat for Genesee County. Like most counties in Michigan, the county government provides court services, human services, record keeping, and community enrichment for its residents. The county and its elected officials also serve as regional problem solvers.

Demographics

The city of Flint's population has changed drastically over the past 50 years. This section explores the historical changes that have occurred throughout the city and region. These trends are essential for explaining the path that has led to Flint's fiscal distress and may point to the path that the city may need to follow in order to build a sustainable future.

Population

According to data collected by the U.S. Census Bureau, the population of the city of Flint has declined over five consecutive decades. There were 48% fewer residents in the city in 2010 compared to 1960 (**Exhibit II-1**). In 2012, there were 100,515[5] residents in the city; in 2013 the city's estimated population further declined to 99,758[6].

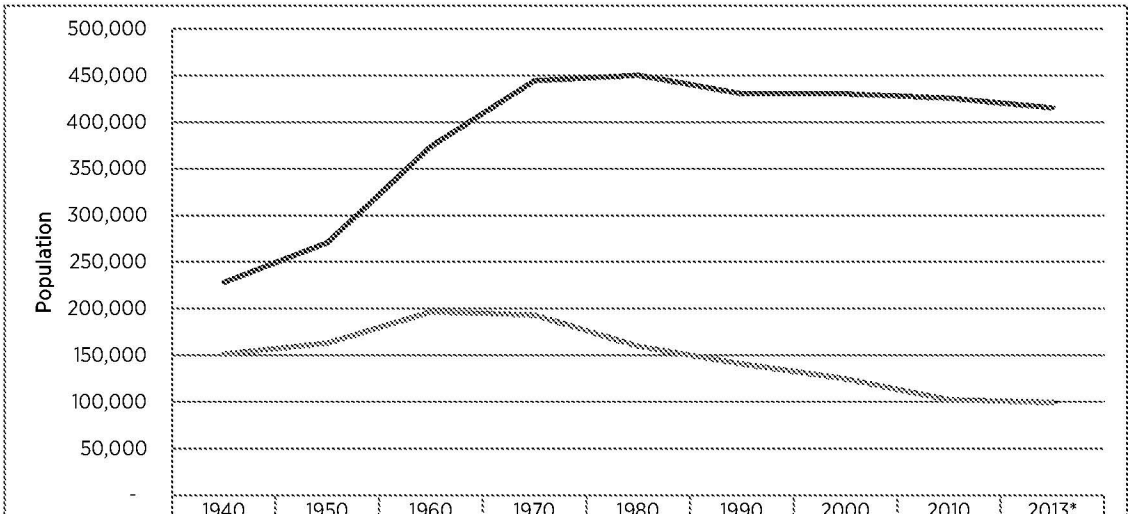
In contrast, the population trends in the Flint metropolitan statistical area (MSA), defined by Genesee County boundaries, indicate enormous growth through the 1970s with slight declines over the following three decades. This indicates that the Flint metropolitan statistical area has experienced significant decentralization.

4 The Flint Area Enterprise Community (FAEC) was consolidated with the Economic Development Corporation (EDC) (with the EDC Board of Directors exercising authority and control of the FAEC) by an executive order of the city's emergency manager effective August 8, 2012.

5 With a margin of error of +/- 27 people.

6 2013 American Community Survey 1-year estimate, http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S0101&prodType=table

Exhibit II-1 Flint Metropolitan Statistical Area (MSA) and Flint City Population
Data source: U. S. Census Bureau (Decennial Census, American Community Survey*)

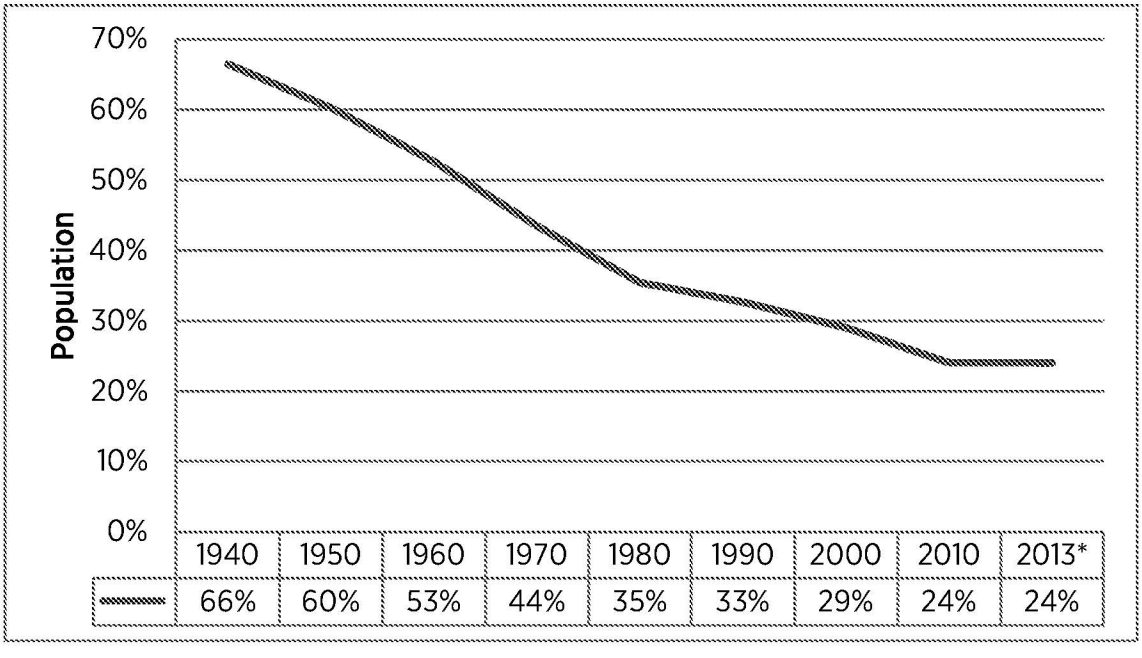


	1940	1950	1960	1970	1980	1990	2000	2010	2013*
MSA	227,944	270,963	374,313	444,341	450,449	430,459	430,459	425,790	415376
City	151,453	163,143	196,940	193,317	159,611	140,761	124,943	102,434	99758

Exhibit II-2 more clearly illustrates this decentralization. In 1940, the city of Flint comprised 66% of the population of the Flint MSA population compared to only 24% in 2013. The estimates from the 2013 American Community Survey indicate that the net migration into the suburbs may be starting to stabilize, though Flint's population has continued to decline in recent years.

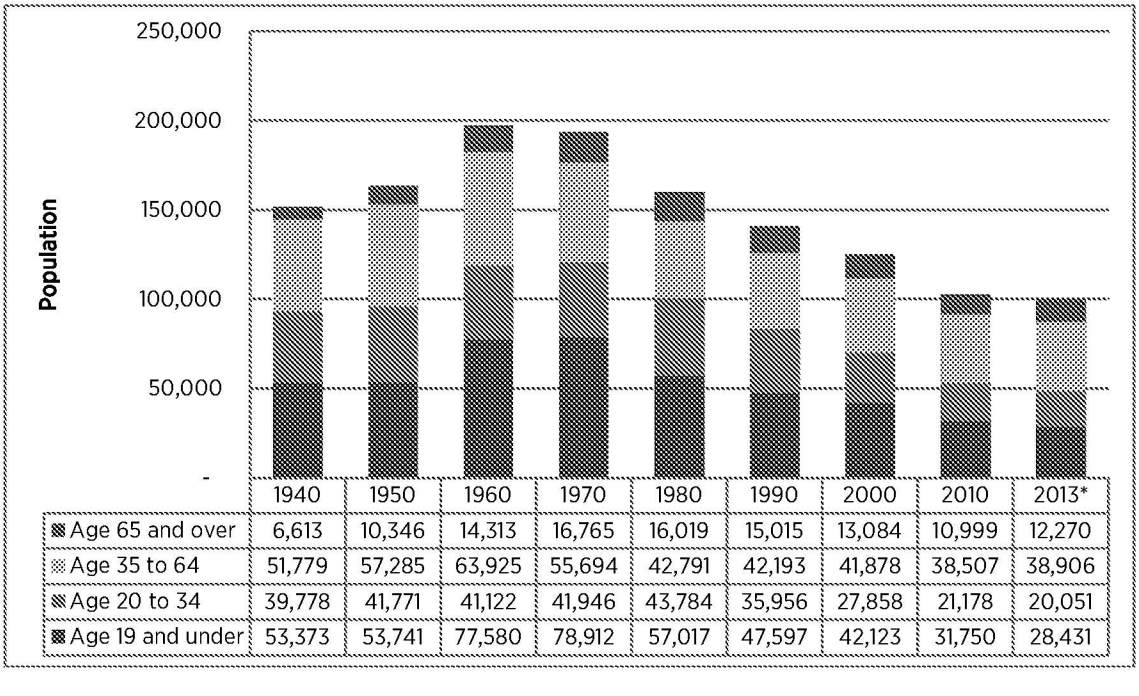
Population Characteristics

Flint's population has been aging over the past several decades. **Exhibit II-3** shows a breakdown of the number of people by age group in Flint from 1940 through 2013.



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
	66%	60%	53%	44%	35%	33%	29%	24%	24%

Exhibit II-2 Flint City Population as a Percent of MSA
Data source: U. S. Census Bureau (Decennial Census, American Community Survey*)



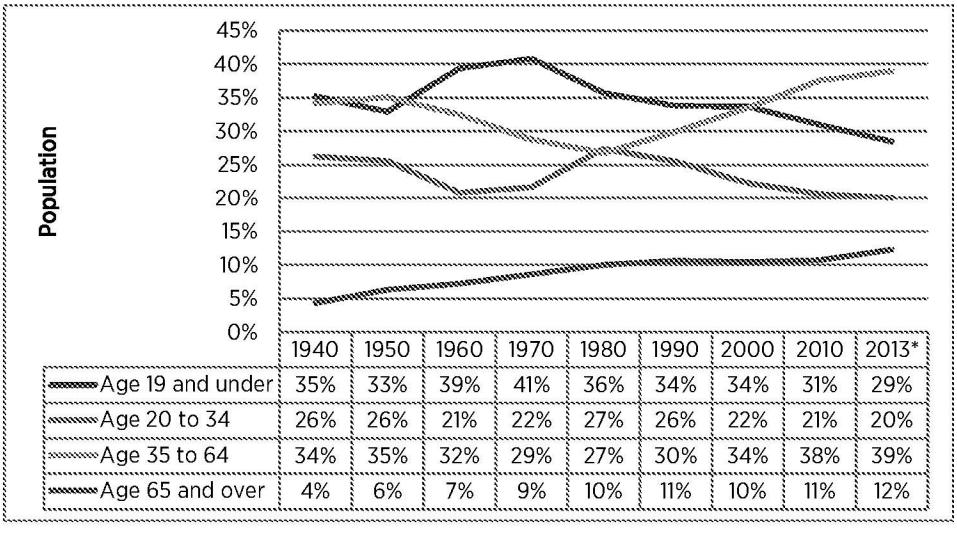
	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Age 65 and over	6,613	10,346	14,313	16,765	16,019	15,015	13,084	10,999	12,270
Age 35 to 64	51,779	57,285	63,925	55,694	42,791	42,193	41,878	38,507	38,906
Age 20 to 34	39,778	41,771	41,122	41,946	43,784	35,956	27,858	21,178	20,051
Age 19 and under	53,373	53,741	77,580	78,912	57,017	47,597	42,123	31,750	28,431

Exhibit II-3 Age of Flint Population
Data source: U. S. Census Bureau (Decennial Census, 2013 American Community Survey*)

To see this more clearly, **Exhibit II-4** shows the relative share of each age category in the total population for each year. The share of population aged 19 years old and under generally increased from 1940 to 1970 with the Baby Boom and has since continually declined from its peak of 41% in 1970, to only 29% of the population in 2013. The share of individuals aged 20 to 34 has fluctuated over the last seven decades, but has been on a general decline since 1980. The share of population aged 35 to 64 years old experienced a period of contraction from 1950 to 1980 followed by a continuous period of growth since then, likely due to the aging of the Baby Boomer population. Finally, during the past seven decades, there has been a fairly steady expansion of residents aged 65 and over, probably due to increased life expectancy. This demographic is expected to continue to expand with the aging of the Baby Boomer population.

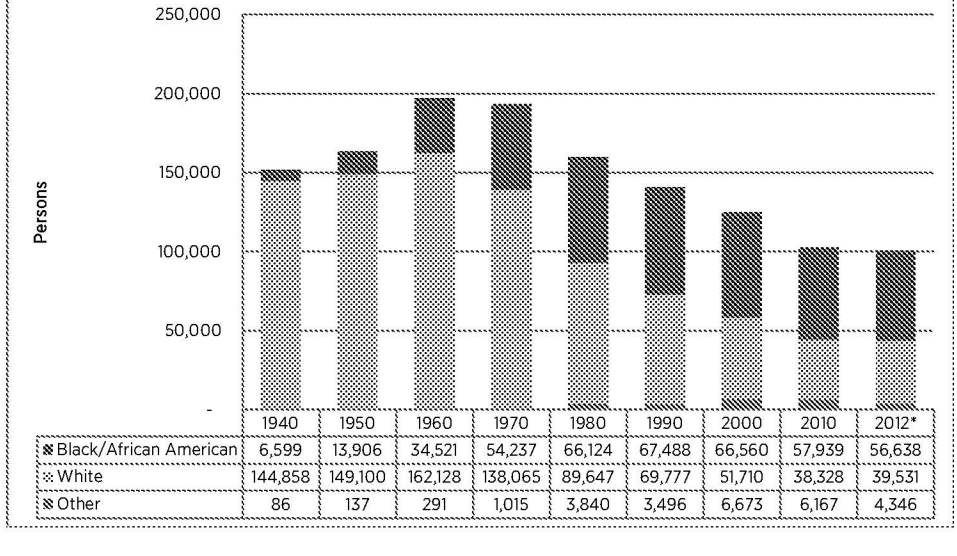
The racial distribution of the city has also changed since the 1940s, as shown in **Exhibit II-5**. The city has become more diverse with a population that is 39% white and 56% black/African-American in 2012 compared to 95.6% white and 4% black/African-American in 1940. The share of the population in the "Other" category, which includes both individuals of other races and multi-racial individuals, has also grown from 0.1% in 1940 to 6% in 2010.

Exhibit II-4 Flint Age by Percentage of Population
Data source: U. S. Census Bureau (Decennial Census, 2013 American Community Survey*)



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Age 19 and under	35%	33%	39%	41%	36%	34%	34%	31%	29%
Age 20 to 34	26%	26%	21%	22%	27%	26%	22%	21%	20%
Age 35 to 64	34%	35%	32%	29%	27%	30%	34%	38%	39%
Age 65 and over	4%	6%	7%	9%	10%	11%	10%	11%	12%

Exhibit II-5 Flint Population by Race
Data source: U. S. Census Bureau (Decennial Census, 2012 American Community Survey*)

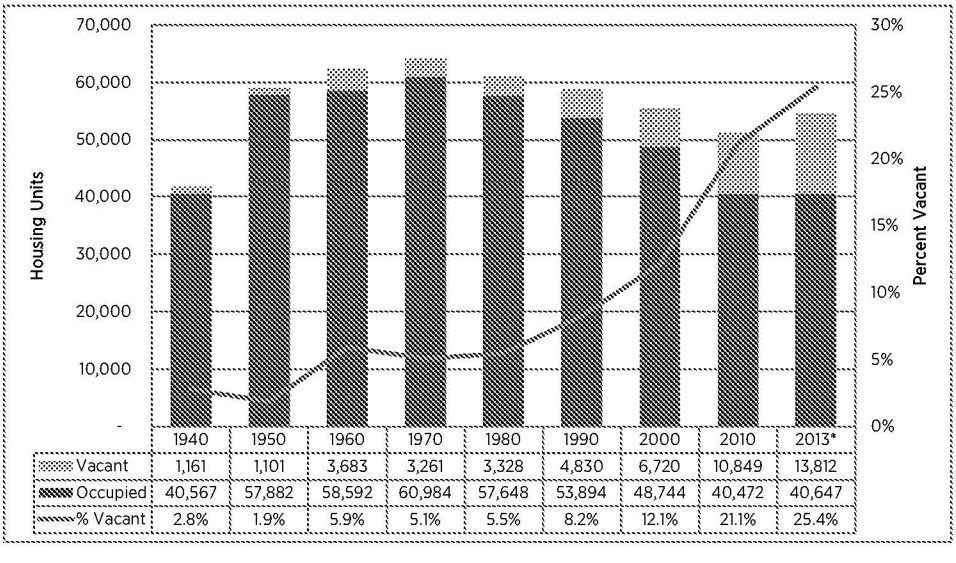


	1940	1950	1960	1970	1980	1990	2000	2010	2012*
Black/African American	6,599	13,906	34,521	54,237	66,124	67,488	66,560	57,939	56,638
White	144,858	149,100	162,128	138,065	89,647	69,777	51,710	38,328	39,531
Other	86	137	291	1,015	3,840	3,496	6,673	6,167	4,346

Housing Trends

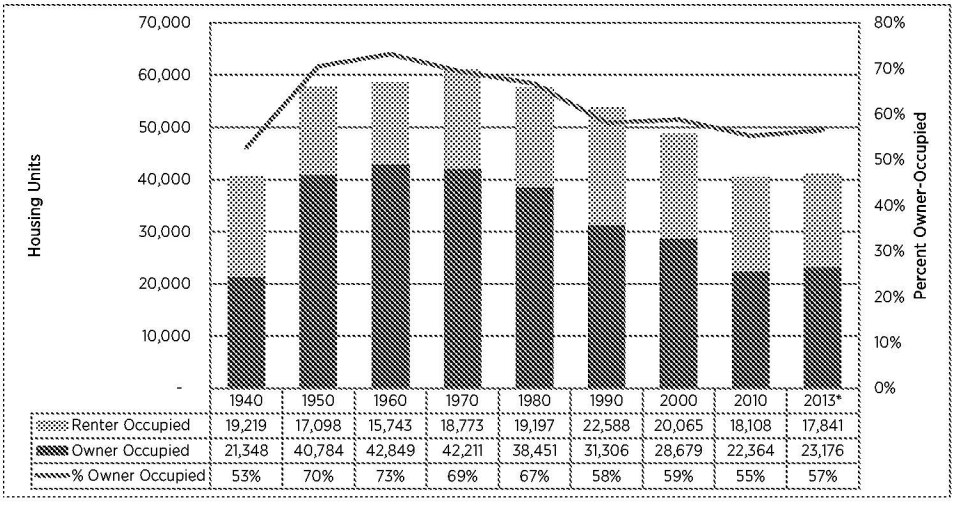
Housing trends also help tell the story of a city that is facing fiscal stress. The rate of housing vacancy increased from 5.1% in 1970 to 25.4% in 2013 (**Exhibit II-6**). The rate of change in vacancy was highest between 2000 and 2013 with a 13 percentage-point increase. This coincides with Michigan's decade of economic decline. The potential impact of increased housing vacancies on fiscal health include not only decline in property values and associated property tax revenues, but also increased municipal maintenance, police patrol, fire protection, and other costs to address health and human safety concerns.[1]

Home ownership is also associated with the strength of a community's property values. In 2013, owner-occupied housing only comprised 57% of occupied housing units compared to 73% of units at its peak over the last seven decades in 1960. However, the rate of owner-occupied housing in 2013 is a slight increase from its value in 2010, perhaps a small sign of recovery for the city of Flint (**Exhibit II-7**).



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Vacant	1,161	1,101	3,683	3,261	3,328	4,830	6,720	10,849	13,812
Occupied	40,567	57,882	58,592	60,984	57,648	53,894	48,744	40,472	40,647
% Vacant	2.8%	1.9%	5.9%	5.1%	5.5%	8.2%	12.1%	21.1%	25.4%

Exhibit II-6 Flint Vacant vs. Occupied Housing Units
Data source: U. S. Census Bureau (Decennial Census, 2013 American Community Survey*)



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Renter Occupied	19,219	17,098	15,743	18,773	19,197	22,588	20,065	18,108	17,841
Owner Occupied	21,348	40,784	42,849	42,211	38,451	31,306	28,679	22,364	23,176
% Owner Occupied	53%	70%	73%	69%	67%	58%	59%	55%	57%

Exhibit II-7 Flint Renter-Occupied vs. Owner-Occupied Housing Units
Data source: U. S. Census Bureau (Decennial Census, 2012 American Community Survey*)

Given these trends, it is no surprise that property values in the Flint area have declined drastically since the Great Recession as shown in **Exhibit II-8**. The state equalized value (SEV) and the taxable value (TV) have almost converged as of 2015. This could be attributed to a combination of falling property values and the "pop-up" effect of the transfer of ownership of property due to Proposal A (which will be discussed in more detail in section IV). Since local governments tend to rely heavily on property taxes for revenue, this is another indicator of the declining tax base of the city.

Economy

The trends in the jobless rate in the city of Flint and Flint MSA tend to follow the same pattern as that of Michigan as a whole (**Exhibit II-9**). The jobless rate rose during the 2001 recession and did not see sustained recovery until after the Great Recession ended in 2009; however, absolute unemployment rates tend to be higher in the city compared to the MSA and the state as a whole. While there has been a drop in unemployment in the city of Flint since the end of the Great Recession, it is still higher (14% in 2014) than pre-2001 recession levels (8% in 2000).

Exhibit II-8 State Equalized Value (SEV) and Taxable Value (TV) – Flint
Data source: Genesee County Equalization Department

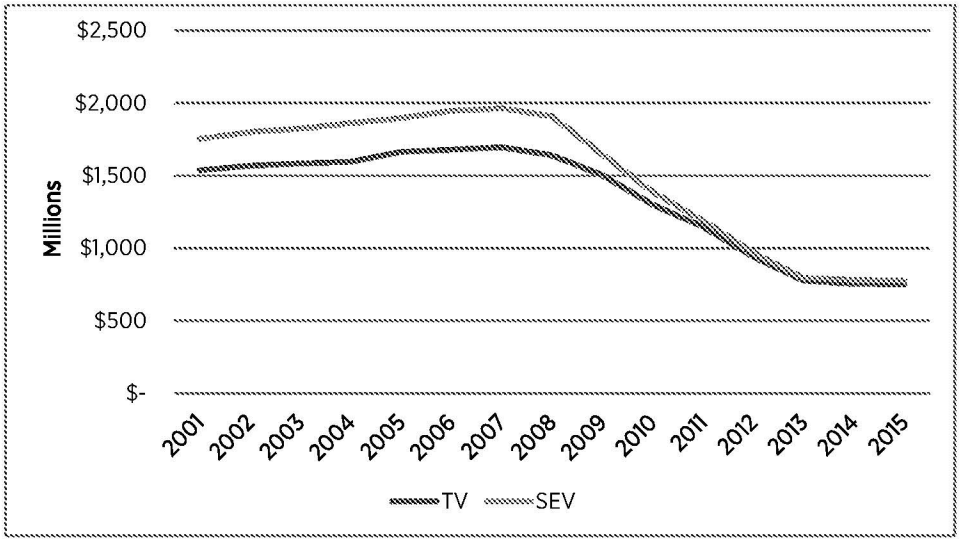
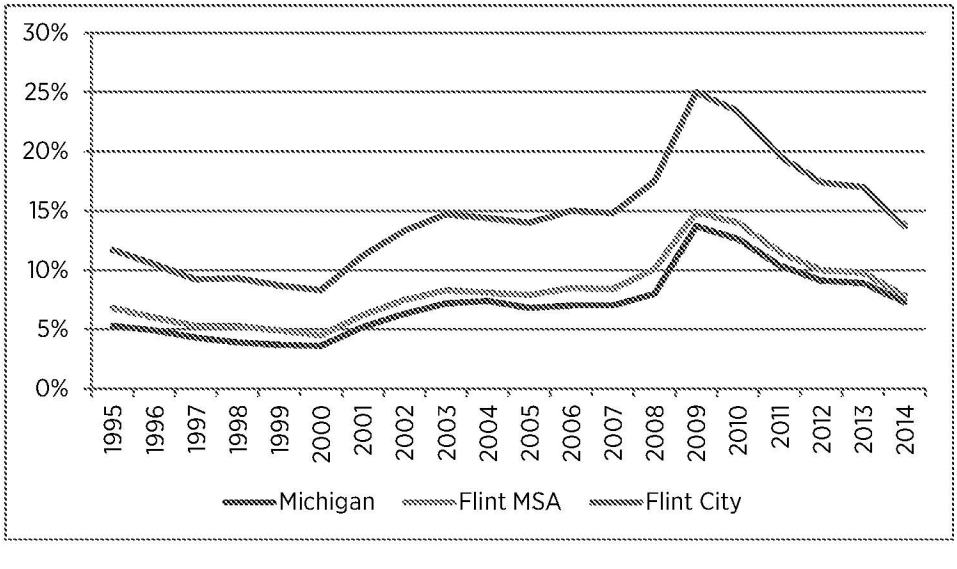


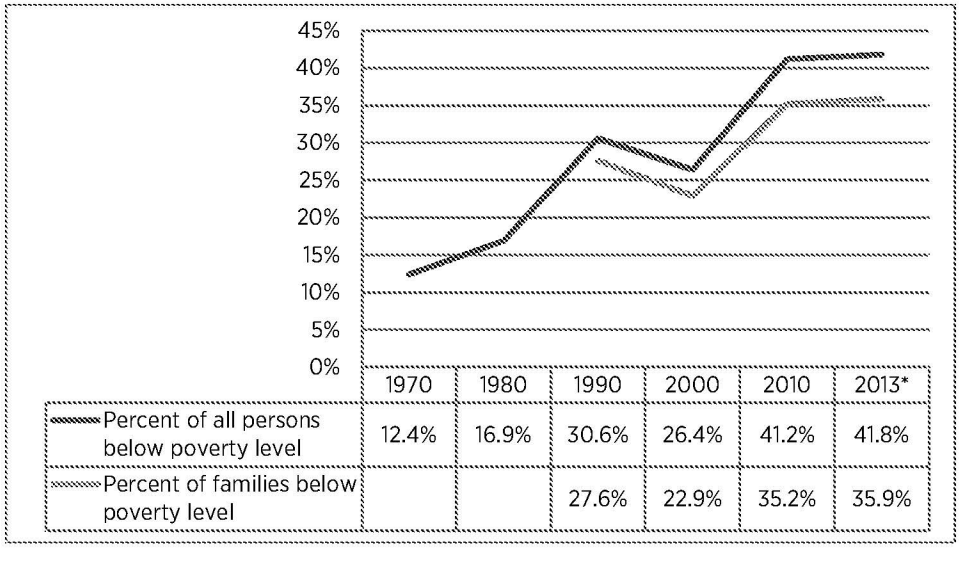
Exhibit II-9 Flint Jobless Rate
Data source: Michigan Department of Technology, Management & Budget



The city of Flint's audit reports disclosed the city's personal income statistics as shown in **Exhibit II-10**. While a slight recovery occurred after the 2001 recession, in general, personal income has been on a long-term decline since 1996, indicating a diminishing tax base. A decline in personal income not only indicates a lower capacity for property tax and income tax revenues, but also suggests a relation to a lower demand for business-type services. If this demand is fairly elastic with respect to personal income, this would lead to a reduction in city income from public recreation programs, parking fees, and similar sources. The decline in personal income began leveling off in 2009, suggesting signs of stabilization following Michigan's decade in recession.

While the economic climate in the 1990s and 2000s worsened the city of Flint's employment and income trends, many decades of above average poverty rates signal long-term fiscal stress. **Exhibit II-11** shows the general growth in the share of total population living below the poverty level, which peaked at 41.2% in 2010. The share of families below the poverty level follows the population trend. Poverty rates reported by the 2012 American Community Survey indicate

Exhibit II-10 Flint Personal Income
Data source: City of Flint Comprehensive Annual Financial Reports



	1970	1980	1990	2000	2010	2013*
Percent of all persons below poverty level	12.4%	16.9%	30.6%	26.4%	41.2%	41.8%
Percent of families below poverty level			27.6%	22.9%	35.2%	35.9%

Exhibit II-11 Population of Flint Below Poverty Level
Data source: U.S. Census Bureau (Decennial Census, 2012 American Community Survey*)

a possible improvement since 2010, which also coincides with the improvements in unemployment and income, discussed above. If the unemployment and income trends are indeed indicative of economic recovery, then these improvements in poverty statistics are possibly explained by a countercyclical relationship between poverty and the business cycle.

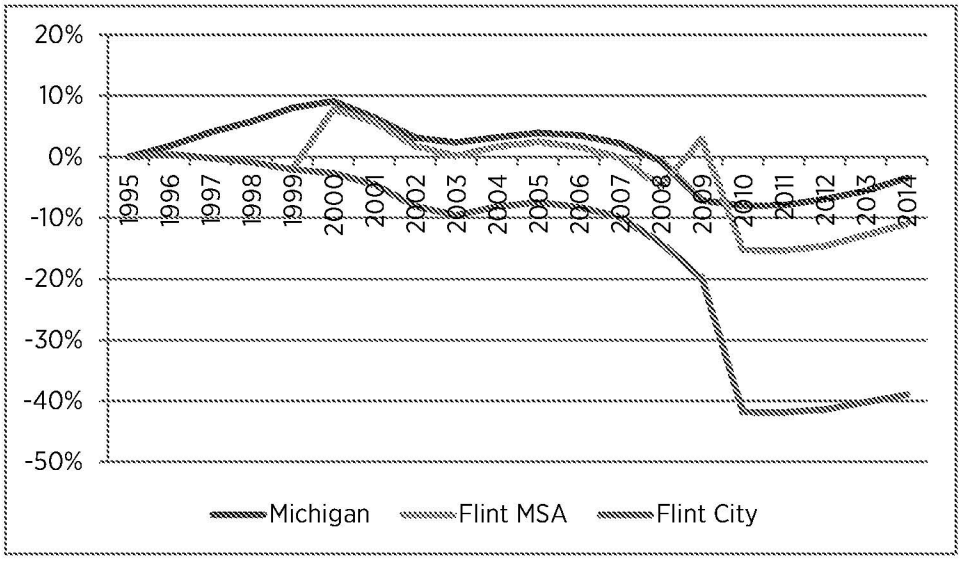
Exhibit II-12 depicts the cumulative change in the number of nonfarm jobs in the city of Flint, the Flint MSA, and Michigan as a whole. While the state overall saw a period of growth in employment in the mid-1990s, employment in the city of Flint and the Flint MSA began to decline in 1996. According to annual estimates from the Bureau of Labor Statistics (BLS) for the Flint MSA, the decline in manufacturing was the driving force of unemployment. Employment in this sector consistently fell between 1995 and 2008, from 48,200 jobs to 9,500.[7] Over this same period, the share of manufacturing jobs (of total nonfarm employment) dropped from 27% to 9%. This trend is likely due to the region's reliance on the domestic auto industry and the declines in the Big Three's market share that began in the 1980s and led to plant closures in the 1990s and early 2000s. According to Genesee County's audit reports, the county's largest employer in FY1997 was GM with 40,944 employees. In FY2009, GM still held its rank as the county's largest employer, but with only 3,417 employees in the county.

While the Flint MSA saw a boost in jobs in 2000, the city experienced a long-term decline in employment over the period shown, with 39% fewer jobs in 2014 than existed in 1995. The share of employment in the city compared to the MSA as a whole also fell in the same time period; as of 2014, employees in Flint represent about 18% of those in the Flint MSA compared to 26% in 1995.

The trends in **Exhibit II-12** indicate that employment started to recover slightly in 2010. This has been primarily driven by the private sector, namely the manufacturing, professional and business services, and trade, transportation and utilities sub-sectors. Public sector employment in the region has followed national trends as it continues to decline. The overall rise in employment in Flint along with the unemployment, income, and poverty trends support the story that the city is experiencing signs of economic recovery.

[7] Not seasonally adjusted

Exhibit II-12 Cumulative Change in Employment in Flint and in Michigan
Data source: Michigan Department of Technology, Management & Budget



The industries representing the city's 10 largest employers have diversified over the past decade. Most notable is the increased prevalence of higher education and employment services (**Exhibit II-13**). During periods of economic decline, enrollment in higher education often increases as individuals seek to expand their skill sets or pursue career changes. Demand for job placement services also increases. Another trend is the increasing concentration of employees in the top 10 employers. The 10 largest employers represented about 65% of the total number of employees in 2014 compared to only 59% of the total number of employees in 2003. This indicates that the impact of smaller firms in the city has diminished over this period. Larger firms tend to have more organizational slack,[ii] which can act as a buffer during economic downturns. Smaller firms that do not have such slack are likely more vulnerable to poor economic environments. Depending on the nature of recovery, employment in small firms could diminish even further during future recessions.

Exhibit II-14 illustrates the diversification of employment in the city of Flint by comparing the share of employees in each industry in 2003 and 2014. The relative share of both automotive employment and public sector employment dropped more significantly than that of healthcare employment.

Principal Employer Industry	FY2003	FY2014
Automotive	23,616	13,975
Federal, state and local government	13,037	6,103
Healthcare	9,569	5,963
Higher education	-	5,656
Employment services	-	1,214
Employees working for ten largest employers	46,222	32,911
Total employees working in City	78,553	51,128

Exhibit II-13 Employment in Flint's 10 Largest Employers by Industry
Data source: City of Flint Comprehensive Annual Financial Reports

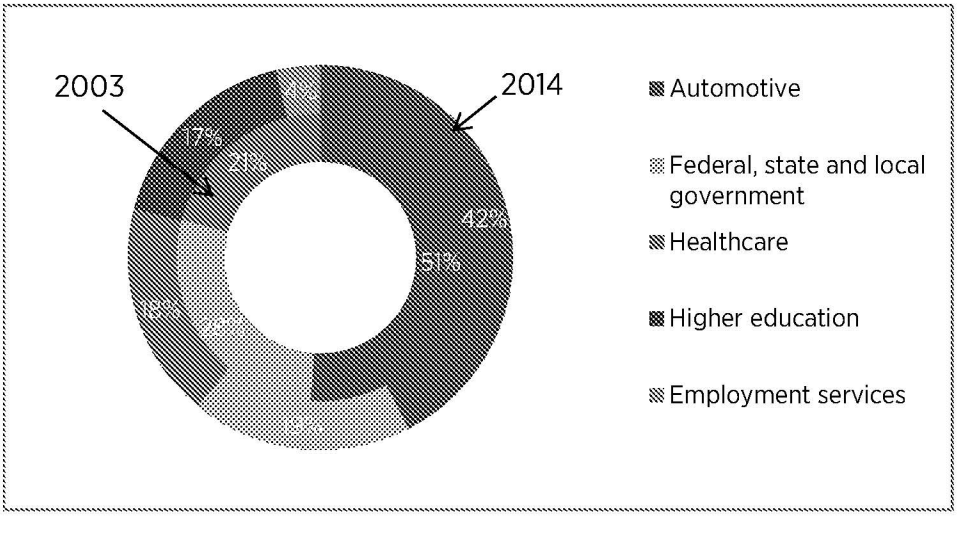


Exhibit II-14 Flint's 10 Largest Employers by Industry
Data source: City of Flint Comprehensive Annual Financial Reports

The city has concentrated efforts to encourage new development. Although most new projects include property that is either tax exempt or requires a property tax incentive, they have brought employees to the city, which increases the nonresident income tax revenue. Recent redevelopment efforts have focused on marketing the 452-acre vacant "Buick City" property. The Environmental Protection Agency has committed up to $7 million for Phase I clean-up of that property.[iii] The total commitment to Buick City is approximately $30 million. Funding for the remediation is from the Revitalizing Auto Communities Environmental Response (RACER) Trust that was created through the GM bankruptcy. The soil remediation project began in early 2011. According to the March 2014 update, corrective measures are being implemented in the Southend site. A corrective measures proposal for the Northend cleanup is being reviewed and will be presented to the public in summer 2014.[iv]

In November 2013, the American Cast Iron Pipe Company announced plans to construct a plant on the Buick City property, creating 50 to 60 manufacturing jobs for Flint. The plant opened in December 2014.

Flint's air transportation needs are serviced by nearby Bishop International Airport. In January 2011, the Bishop Airport Board approved the bid process for a $16.8 million expansion.[v] This project added 47,000 square feet of terminal space, four gates and doubled the width of the corridor linking two sections of the airport. The expansion was completed in November 2012, adding 350 jobs and increasing the number of passengers at Flint's Bishop International Airport[vi]. Several highways meet road transportation needs.

III. Flint Under Emergency Financial Management

Path to Receivership

Due to its decreasing population, employment, and tax revenues, the Flint city government has been under considerable fiscal stress in recent years. In the early 2000s, an emergency financial manager (EFM) was appointed for the city, and was in place until 2004; however, the city soon returned to fiscal insolvency.

The cycle of returning to a deficit position after an EFM appointment ends is not unique to Flint. Drawing on the experience of Flint and other cities that have been assigned an EFM, state policy makers drafted revisions to PA 72, which was replaced by PA 4 in 2011. After a referendum, PA 4 was repealed in 2012, then replaced by PA 436 of 2012[8].

The new law provides greater incentive and mechanisms for local governments to address budget challenges before an emergency manager (EM) is assigned. PA 436 also provides four options to struggling municipalities[9], offering alternatives to the appointment of an EM. Ultimately, however, if cities with chronic fiscal stress are suffering from structural challenges beyond their control, improved management will only be able to cure a limited number of problems.

If a city is placed in receivership under PA 436 of 2012 and an EM is appointed by the state, he or she is granted broad powers to address the struggling city's finances. This includes the authority to amend collective bargaining agreements, make personnel changes, and review and approve the city's budget.

Responding to the most recent fiscal crisis, Michigan's Treasury Department conducted a preliminary review of Flint's financial situation in August and September 2011.[vii] The review found that general fund expenditures had exceeded revenues for the preceding four years. Two years after its deficit reduction plan had been submitted to the state, the general fund deficit had more than doubled. The review also reported that departments within the municipal government had been compensating for cash shortages by borrowing from other funds. The review team determined it was uncertain whether the City of Flint would be able to fulfill its short-term financial obligations.

Due to the City of Flint's structural deficit, increasing legacy costs, and accumulating debt, the review team recommended to the governor that the city be placed under emergency financial management under Public Act 4. In November 2011, the governor of Michigan placed the City of Flint in receivership.

Michael Brown was appointed as the city's emergency financial manager effective December 1, 2011. In August 2012, Michael Brown was replaced by Edward Kurtz as emergency manager (who had served as the city's EM from 2002 to 2004). Ed Kurtz served as the city's emergency manager until July 2013, at which time Michael Brown was again appointed by the governor. Michael Brown resigned in September 2013; Darnell Earley was appointed as his replacement. In January 2015, it was announced that Jerry Ambrose, who had previously served as the city's finance and administration director, would replace Darnell Earley as emergency manager. Jerry Ambrose served as the city's EM until April 2015, when control of the city's finances was returned to the mayor and city council under the supervision of a Receivership Transition Advisory Board.

Reforms to Personnel Costs

Wages and Salaries

Significant actions were taken shortly after Michael Brown's appointment as emergency manager. Almost immediately after his appointment, the salaries, benefits, and other compensation were eliminated for the city's mayor and nine council members. The mayor's salary was later restored to 60% of his base salary with full restoration of his benefits, and the salaries of city council members were restored to $7,000 per year with no benefits. Additionally, council members were required to complete level one of the Michigan Municipal League's core courses for municipal government. Several positions were eliminated, which included the Office of the Ombudsman, the Civil Service Commission, and the respective staff assigned to these offices.

[8] Emergency financial managers were in place under Act 72; the term "emergency manager" is used in PA 4 and PA 436. There are somewhat different powers under the various acts but otherwise the concept is the same.

[9] These options include entering into a consent agreement with the state, filing for bankruptcy, agreeing to mediation, or accepting the appointment of an EM.

In an effort to reduce the city government's wage expenses by 20%[viii], significant changes were made to the collective bargaining agreements of the City of Flints's police and fire unions. Wages were reduced across the board for members of all police unions: by 1.5% for sergeants, by 2.5% for captains and lieutenants, and by 5% for officers). Salaries and wages of members of the firefighters' union were also reduced[10].

Substantial changes were also made to the city government contracts with the American Federation of State, County and Municipal Employees (AFSCME) locals 1600 and 1799, the unions representing the majority of general city government employees. Wages for Local 1600 members were reduced by 2.5%, and several changes to overtime, holiday, and leave pay were made for both unions.

With the exception of emergency overtime, the EM required that all employee overtime be approved in advance. Executive orders were also issued to put limitations on departments' spending authority, with EM approval required for purchases over $10,000. Stringent budgetary guidelines were put on all departments, emphasizing that budgetary authority is not a mandate to spend and that actions to keep expenses low should be taken whenever possible.

Pensions

Changes were made to police and fire unions' pension eligibility. Employees' annual pension contributions were increased to 9.5% of all earnings for those in the fire and police unions. For members of the unions hired prior to the introduction of the new pension guidelines, the portion of pensions earned up to the 20th year of service are calculated according to the expired bargaining agreement. However, the multiplier was reduced to 2.25 and capped at 240 hours of leave time included as part of the final average compensation (FAC) for all service time earned after the effective dates of the new collective bargaining agreements.

Similar adjustments were made to the pension benefits for locals 1600 and 1799. The defined benefit multiplier was reduced to 1.5% prospectively, and the employee contribution rate was increased from 8% to 12% for Local 1600 and to 9.5% for Local 1799. Hybrid retirement plans (with both defined contribution and defined benefit components) were established for new hires and former defined benefit plan participants. Employees' contributions to the defined contribution components are matched by the City of Flint; employer contributions to the defined benefit component were capped at 10%.

To save administration-related costs, pensions for all unions with collective bargaining agreements with the City of Flint were transferred from the Flint Employees' Retirement System (FERS) to the Michigan Municipal Employees Retirement System (MERS).[ix] This move was approved by all but the police officers' union; section 19(k) of PA 4 was invoked to approve the transfer of Flint police officers' pensions.

Other Post-Employment Benefits

Changes were made to the healthcare benefits received by retirees of the police and fire unions. Cuts included discontinuing healthcare for a former employees' spouse if he or she is eligible to receive paid health coverage through an employer or former employer. The City of Flint reduced the number of plans offered to employees hired after July 1, 2012, offering a high deductible plan in conjunction with a health savings account. Through executive orders, the EM reserved the right of the city to change or discontinue the health insurance programs in response to the Patient Protection and Affordable Care Act (PPACA) as amended.

The City of Flint scaled back its contribution requirements for an active employee's health coverage, requiring employees to pay any premium contributions that exceed the amount contributed by the employer through pension deductions.

Retirees and their spouses aged 65 and over who are covered by Medicare supplemental plan at the employer's expense are subject to contribution limits of the Publicly Funded Health Insurance Contribution Act (PA 152 of 2012) if and only if the retiree enrolls in and pays for Medicare Supplemental Part B. Changes made to the healthcare coverage of retired members of the local 1600 and 1799 unions were similar to those of the other major unions representing City of Flint employees.

Changes were made to the retiree health benefits offered to personnel hired after the effective dates of the new agreements. Instead of employer-paid retiree healthcare coverage, members of the police officers' and firefighters' unions, as well as locals 1600 and 1799 hired after April 2012 were eligible for Retiree Medical Savings Accounts (RMSAs) to which the City of Flint and employees contribute through payroll deductions.

Under the executive orders, the City of Flint committed to contribute $1,500 annually to the RMSAs, with employees contributing $600 per year. Employees will be 100% vested at all times on their own contributions and investment earnings, while employer contributions and investment earnings will be 100% vested after five years of completed service. The same changes were made to retiree health benefits of newly hired nonunion city government

[10] From $63,080.16 to $50,791.52 for CAD supervisors, from $60,515.52 to $56,998.24 for quartermaster, and from $33,467.20 to $27,270.88 for comm. specialist trainees

employees. Contributions to a new employee's RMSA continue until the employee is no longer employed by the City of Flint (including retirement) or when the employee becomes eligible for Medicare. These benefits were not made available to nonunion retirees or spouses who are eligible for health coverage through another employer or former employer.

Other Reforms

In addition to actions taken to reduce the City of Flint's financial obligations in relation to staff, other measures were taken to address the growing deficit. User fees were implemented for waste collection and a special assessment was levied to provide funds for the operation of street lighting (to eliminate $2.85 million in costs to the city government's general fund[x]). Both fees were added to homeowners' property tax bills. Water and sewer rates were increased by 25% to adequately cover the costs of operating both systems.

The City of Flint's Fiscal Year 2013 budget, passed by an executive order on April 24, 2012, was the first balanced budget it had passed in seven years. A total of 155 positions (16% of the workforce) were eliminated.[xi]

Property taxes were increased in order to support police and fire budgets. This increase was achieved by a vote of the city's residents, who approved a 6 mill property tax increase on November 6, 2012.[xii] This tax increase allowed the city government to maintain staffing levels in the police and fire departments that had, up until that point, been supported through a federal grant.

IV. City Finances

Repeated periods of governmental fund deficits can be used to identify cities with chronic fiscal stress. If a city is consistently unable to sustain a positive fund balance, it is likely facing structural budgetary constraints. The City of Flint's fund balance/accumulated deficit history highlights its recurring deficits (**Exhibit IV-1**). Temporary solutions provided some periods of short-term relief in 2005 to 2007 due to the measures taken by an emergency financial manager under Public Act 72 of 1990. The governor appointed the EFM in May 2002, who remained in place until 2004. The progress made during the EFM's tenure was undone three years later due to subsequent labor settlements, costly litigation, and declining revenues. The City of Flint closed FY2008 with a deficit in the General Fund of $6.8 million. Since 2010, the Flint city government has been able to build up the fund balances in its other governmental funds, but has mixed performance in controlling the deficit in its General Fund, which is the main fund for general operating expenses.

General Fund

As of June 30, 2014, the City of Flint's General Fund ended the year with an accumulated deficit of $8.9 million. This is the seventh consecutive year that the fund balance has been in a deficit position, but significantly reduced from the $19.1 million deficit in FY2012. FY2014 is also the third year since FY2006 that the city operated with a surplus in its General Fund; the only other year in which the General Fund ended with a surplus is FY2011 (**Exhibit IV-2**).

Exhibit IV-1 Governmental Funds – Flint History of Fund Balances
Data source: City of Flint Comprehensive Annual Financial Reports

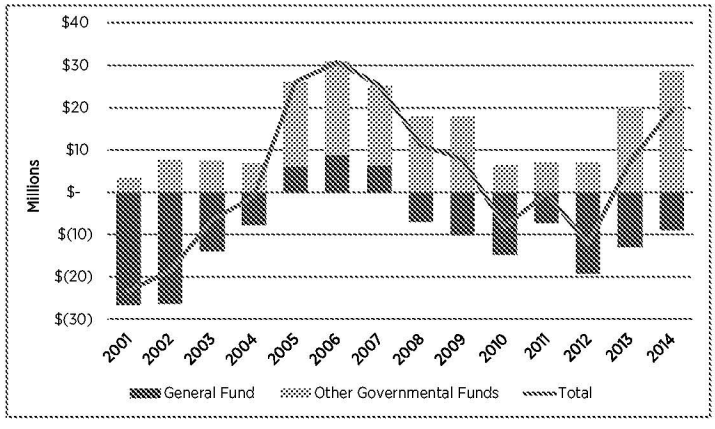
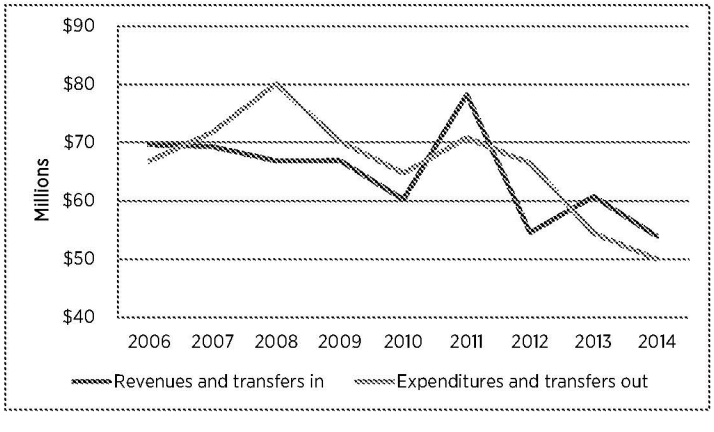


Exhibit IV-2 Flint General Fund Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports



Revenues

As of 2014, the four primary sources of revenue, and their proportionate share of the General Fund, are property tax (10%), income tax (24%), state shared revenue (32%), and charges for services (18%). **Exhibit IV-3** shows the changes in the share of General Fund revenues over time. Typically, the property tax is the primary source of revenue for local governments. However, the City of Flint's reliance on the property tax has severely diminished over the last several years, which is a testament to the impact of falling property values in the city. Conversely, the share of revenues from charges for services has seen an overall growth. In FY2010, the share of revenues from charges for services actually exceeded that from property taxes. Both the share of revenues of income taxes and of state shared revenue have also declined, but to a lesser extent. The spike in the share of "Other" revenue funds in FY2011 was due to an $8 million debt issuance in the form of 25-year fiscal stabilization bonds from the Local Government Loan Program through the Michigan Department of Treasury. This was less than half of the $20 million in bonds that the City of Flint had initially requested in order maintain operations when it had anticipated that it would run out of cash by March 1, 2011.

Property Tax

Property tax in Michigan is assessed on both real and personal property, though municipalities are limited in levying property taxes in a number of ways. First, the Home Rule City Act of 1909 limits cities in Michigan to levying property taxes of no more than 20 mills for direct municipal services.[xiii] Next, the Headlee Amendment, ratified in 1978, limits the authorized millage rate when property values rise at a faster rate than the rate of inflation.[xiv] Increases in property values due to improvements or new construction are not subject to this limit. Finally, in 1994, Michigan voters approved Proposal A, which limited annual increases to the taxable value to 5% or the rate of inflation, whichever is lower, until there is a transfer of ownership.[xv]

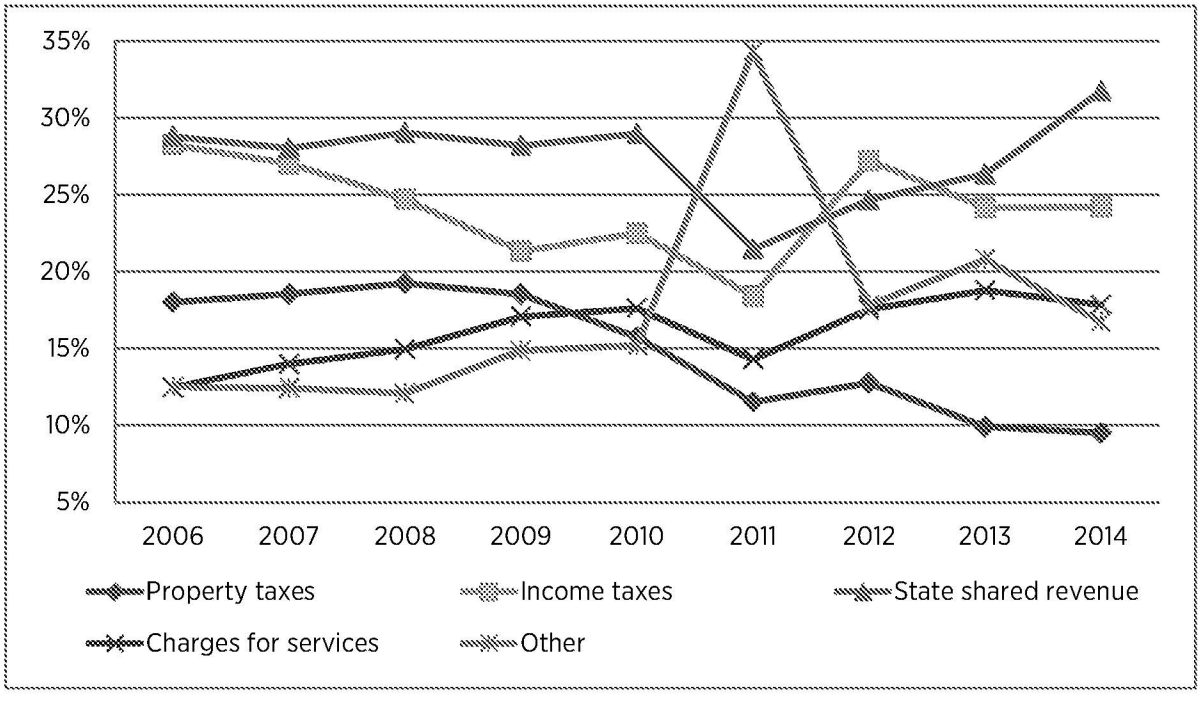


Exhibit IV-3
Share of Flint General Fund Revenues
Data source: City of Flint Comprehensive Annual Financial Reports

Compared to the 10 most populated local units in Genesee County, which represent 72% of the population, the city of Flint levies the highest homestead tax rate (**Exhibit IV-4**). This may cause the city to be less competitive in attracting residents, which hinders its ability to increase its tax base. High tax rates also create incentives for residents to relocate to the suburban areas, which may be one factor that contributes to the population decentralization trends shown in **Exhibit II-2**. For example, a homeowner in the city of Flint will pay, on average, 37.7% more in property taxes than residents of the nine other largest communities that own properties with the same taxable value. This is a substantial increase compared to the same analysis that was performed in the 2011 case study; in FY2011, a homeowner in Flint would pay on average 28.2% more than a homeowner in the other nine communities with a property that had the same taxable value. If a residential property has a taxable value of $75,000, the homeowner in Flint will pay $4,413. A homeowner in the next most-populated community, Grand Blanc Charter Township, will pay $3,119.

Exhibit IV-4 Millage Rates in Genesee County for Fiscal Year 2013 (2014 Tax Rates)
Data source: 2013 American Communities Survey and Michigan Department of Treasury

			Average Property Tax Rates					Annual Bill Based on Taxable Value of $75,000
Taxing Unit	Type of Unit	2013 Population*	County	Local	School	State Education	Total	
Flint	**City**	**101,649**	**9.81**	**22.02**	**21.01**	**6.00**	**58.84**	**$ 4,413**
Grand Blanc	Charter Township	37,060	10.07	7.13	18.38	6.00	41.58	$ 3,119
Flint	Charter Township	31,614	10.07	10.74	20.96	6.00	47.77	$ 3,583
Burton	City	29,663	10.05	15.23	19.27	6.00	50.55	$ 3,791
Genesee	Charter Township	21,291	10.07	7.99	18.19	6.00	42.25	$ 3,169
Mount Morris	Charter Township	21,310	9.56	10.94	17.88	6.00	44.38	$ 3,329
Davison	Charter Township	19,373	10.07	3.35	15.91	6.00	35.33	$ 2,650
Fenton	Charter Township	15,408	10.07	2.08	15.47	6.00	33.62	$ 2,522
Mundy	Township	14,932	10.07	5.56	16.51	6.00	38.14	$ 2,861
Vienna	Charter Township	13,119	10.07	5.04	13.78	6.00	34.89	$ 2,617
Population of Ten Largest Units		**305,419**				**Average**	**42.74**	**$ 3,205**
As a % of County Total		**72%**						

* ACS 5-year estimate

Although the nonhomestead property tax rate had been fairly stable from 2000 to 2010, a more noticeable increase has occurred over the last few years (**Exhibit IV-5**). In 2013, the direct city millage increased from 16.1 to 19.1 mills with the addition of the 6 mill public safety millage and an elimination of a 3 mill waste collection millage.

As discussed in section II, property values in Flint have dramatically declined over the past four years. **Exhibit IV-6** shows a corresponding reduction in property tax revenues; receipts from property taxes in FY2014 were less than half those in FY2006, and less than 40% of their peak in FY2008. The deterioration of the property tax as a stable revenue source is especially clear given that less than 10% of General Fund revenues are dependent on property taxes in FY2014 compared to more than 18% five years prior.

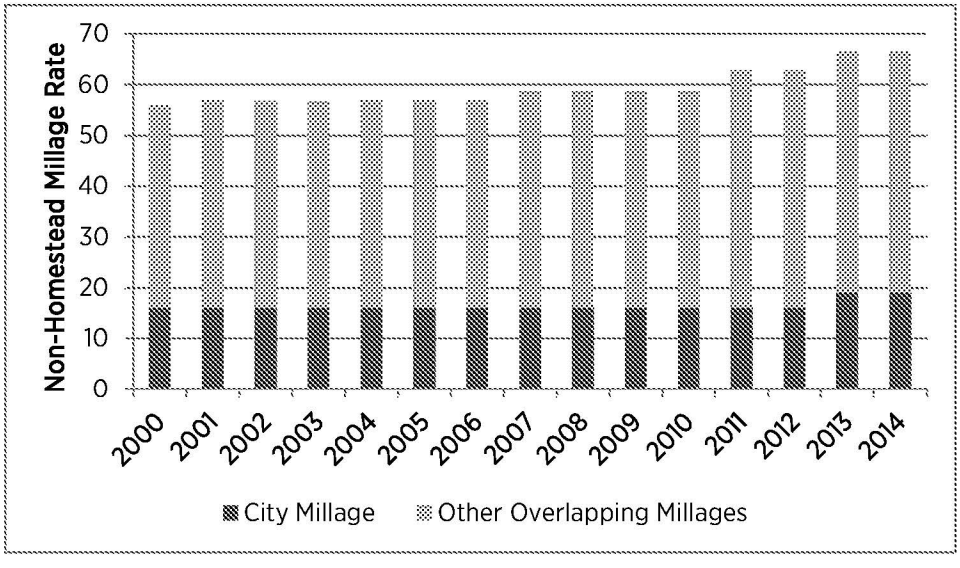


Exhibit IV-5 City of Flint Millage Rates
Data source: City of Flint Comprehensive Annual Financial Reports

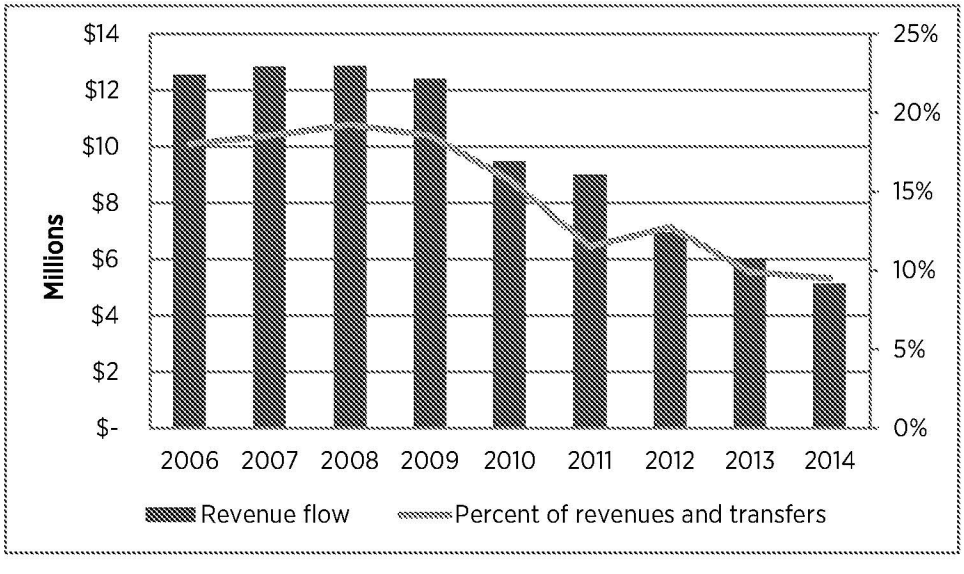


Exhibit IV-6 Flint Property Tax Revenue
Data source: City of Flint Comprehensive Annual Financial Reports

Income Tax

Of the 10 largest cities in Michigan, three are authorized to levy an income tax, including Flint. The income tax rate is 1% for city residents and 0.5% for non-residents. Income tax receipts steadily declined from FY2006 to FY2010 (**Exhibit IV-7**). Since FY2010, this revenue stream has stabilized and seen some slight growth, though it fell again in FY2014.

State Shared Revenue

State shared revenue is generated from a statewide sales tax. Revenue sharing to local governments consists of both constitutional and statutory payments. The constitutional portion is distributed on a population basis. The statutory portion of revenue sharing is defined by a formula based on a combination of population, taxable value per capita, and millage yield (a ratio of the taxable value per mill levied). Starting in FY2012, the statutory revenue sharing was replaced with the Economic Vitality Incentive Program (EVIP).[16] The EVIP allocates funding to cities, villages, and townships based on their ability to satisfy certain criteria, but relies on the old statutory program to determine participation and individual payment amounts. **Exhibit IV-8** shows the breakdown between the

Exhibit IV-7 Flint Income Tax Revenue
Data source: City of Flint Comprehensive Annual Financial Reports

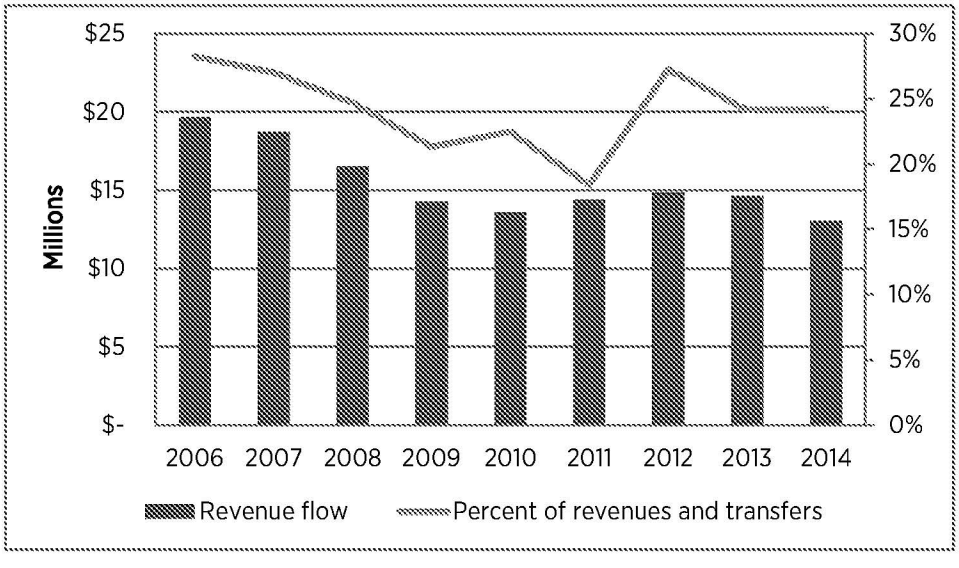
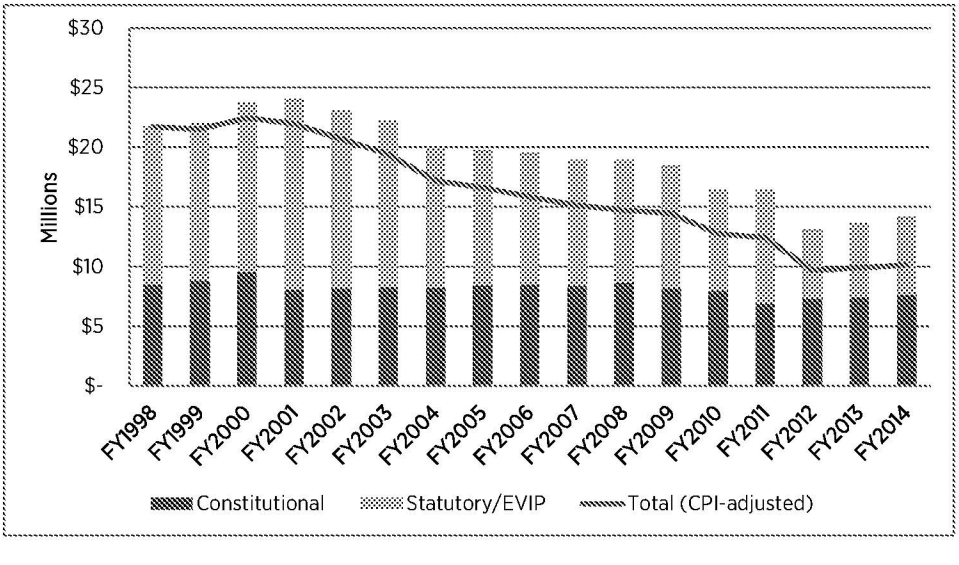


Exhibit IV-8 Breakdown of Flint State Shared Revenue
Data source: Michigan Department of Treasury



constitutional payments and statutory/EVIP payments to the City of Flint since FY1998. While constitutional payments have been fairly constant, there has been a substantial decline in statutory/EVIP payments.

Exhibit IV-9 displays the change in state shared revenue over time as reported in the city's financial audit reports.

Charges for Services

While all other revenue sources have been declining since FY2006, income from user fees and charges for services have actually increased on a nominal basis over the same period (**Exhibit IV-10**). Though it has fluctuated in recent years, the percentage of revenues and transfers from charges for services is still relatively high compared to FY2006. This is indicative of cities undergoing fiscal stress since they seek to replace the typical tax and intergovernmental sources with other revenue streams.

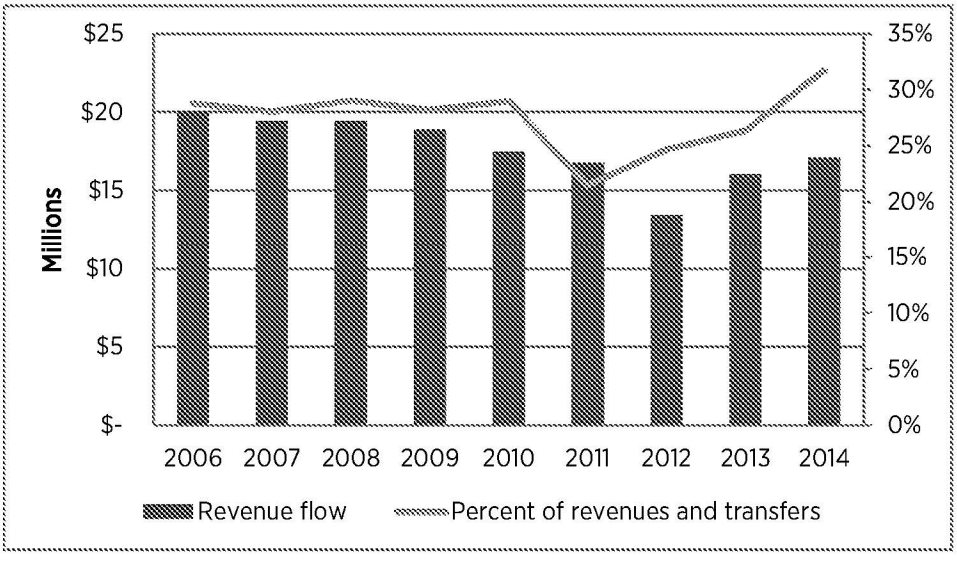


Exhibit IV-9 Flint State Shared Revenue Over Time
Data source: City of Flint Comprehensive Annual Financial Reports

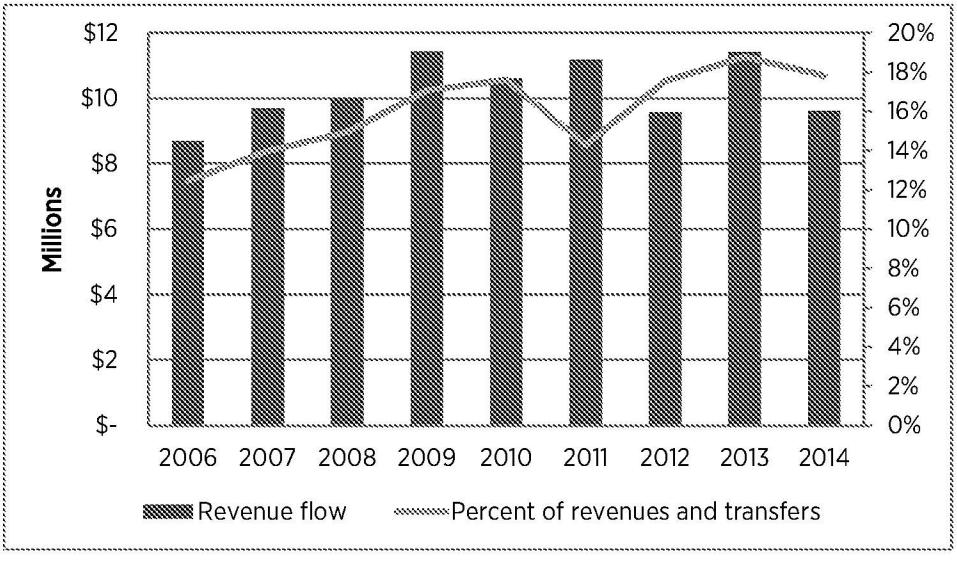


Exhibit IV-10 Charges for Services in Flint
Data source: City of Flint Comprehensive Annual Financial Reports

Expenditures

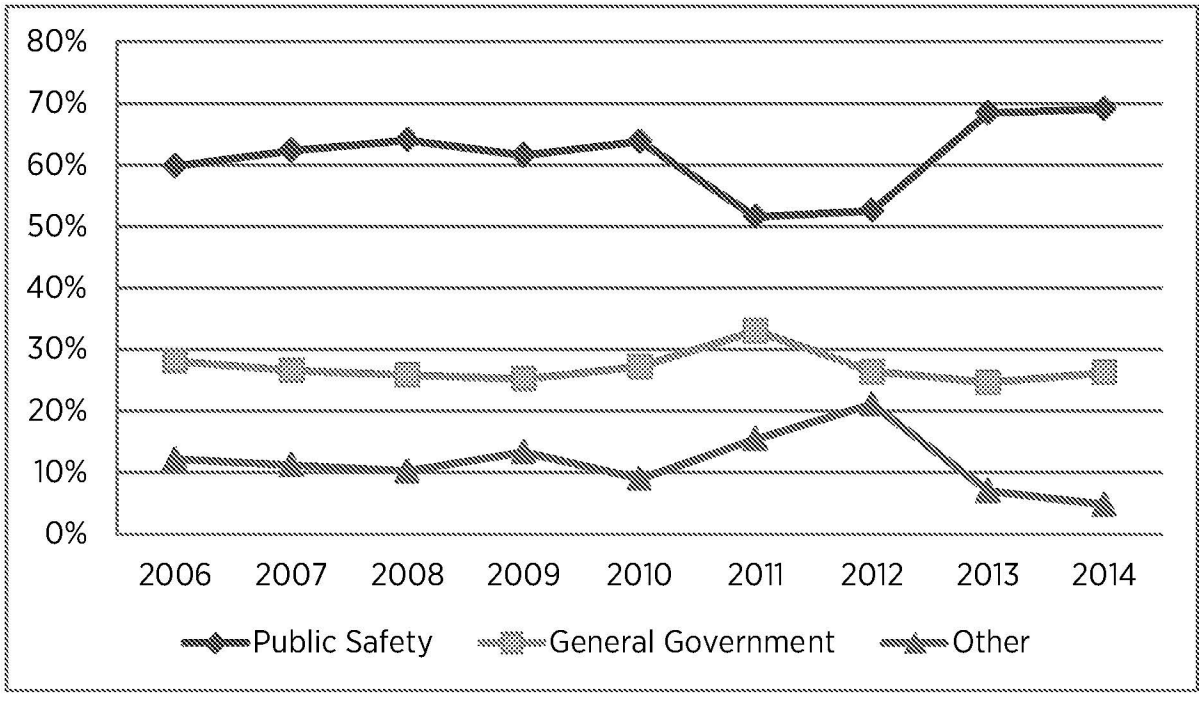
The primary General Fund expenditures are public safety and general government services. In FY2014, 69.1% of spending was allocated to public safety and 26.2% to general government (**Exhibit IV-11**). The following section will detail the spending in various categories for the city of Flint.

Public Safety

Public safety consists of the majority of the General Fund expenditures, and includes the following categories:

- Building inspection
- Combined public safety department
- Emergency dispatch
- Fire department
- Police department

Exhibit IV-11
Share of General Fund Expenditures in Flint
Data source: City of Flint Comprehensive Annual Financial Reports



As discussed in section III, during the November 2012 elections, the voters of Flint approved a 6-mill property tax increase for public safety with 57% approval.[xvii] The proposal also required that 55.5% of General Fund revenues be allocated to public safety budgets (**Exhibit IV-12**). Additional, temporary funding support includes:

- $6.9 million Staffing for Adequate Fire and Emergency Response (SAFER) grant from the Federal Emergency Management Agency (FEMA) awarded in 2012 to avoid laying off 32 fire fighters[11]
- $2.1 million in state funds granted in 2012 to re-open the city's lockup
- $1.8 million grant from the Michigan Department of Treasury Competitive Grant Assistance Program (CGAP) to install a communications tower in the city to expand radio coverage for police and firefighters awarded in April 2013

[11] This grant was awarded twice, but not renewed in 2014.

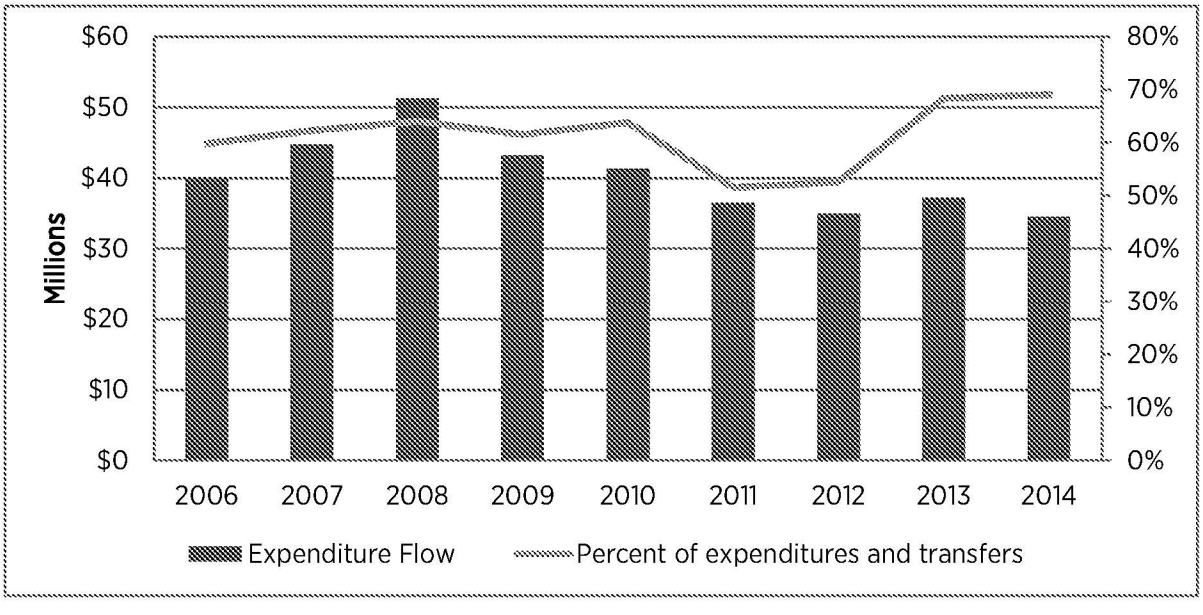


Exhibit IV-12
Flint Public Safety
Data source: City of Flint Comprehensive Annual Financial Reports

General Government

As of FY2014, general government expenditures include the following categories of local government operations:

- Mayor's office
- Finance
- Human relations
- City clerk
- Law office
- Human resources
- City administrator

Expenditures on general government have followed an overall decline since FY2008 (**Exhibit IV-13**). The exception in FY2011 was due to a settlement payment related to a lawsuit against the city regarding the sale of the Genesee Towers building.

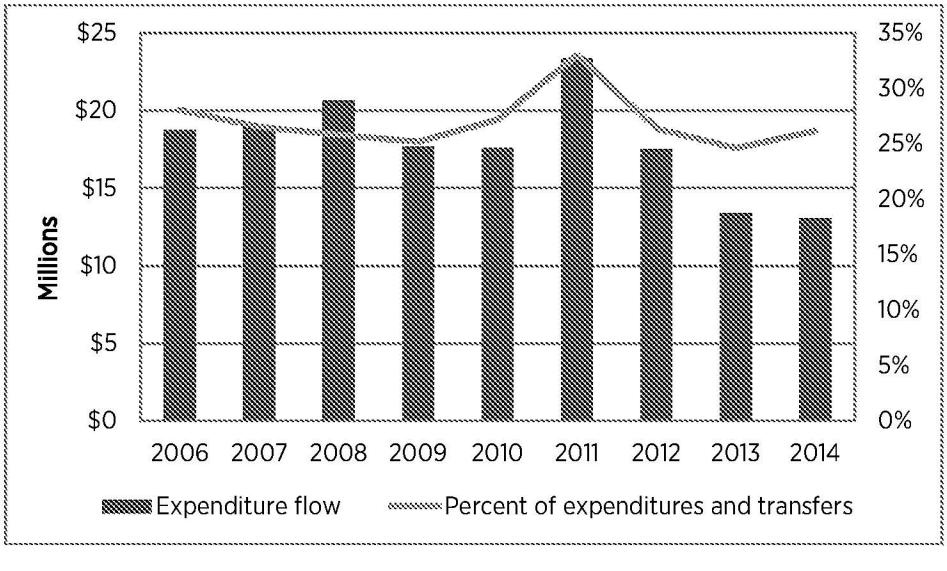
Special Revenue Funds

Revenues and expenditure trends for other governmental funds are shown in **Exhibit IV-14**. These include special revenue funds and debt service funds. As of FY2014, special revenue funds consist of the following types of funds:

- Major streets
- Local streets
- Neighborhood policing
- State Act 251 – forfeitures
- EDA Revolving Loan
- Public Improvement Fund
- Parks and recreation
- Senior citizen centers
- City park
- Building department
- Garbage collection
- Street light (special assessment)
- Public safety (special millage)

The city established a special assessment for streetlights in FY2013 to avoid making cuts to public safety. The public safety special millage was discussed in earlier sections of this report. As of FY2014, debt service includes funds from a

Exhibit IV-13 Flint General Government
Data source: City of Flint Comprehensive Annual Financial Reports



parking deck, Windmill Place, and Buick City. Relative to the General Fund, the city government has managed to keep expenditures in pace with revenues. About $6.5 million of the $10 million deficit in FY2011 was due to the Federal Grants Fund. The majority of the remaining deficit consisted of a $2.3 million deficit in the Major Streets Fund.

Proprietary (Enterprise) Funds

The City of Flint's two proprietary funds include water supply and sewer disposal operations. Prior to FY2012, Hurley Medical Center and the Golf Division were considered business-type activities as part of the city government under proprietary funds. However, starting in FY2012, the city began presenting Hurley as a separate component unit in the audit report, and in March 2012, the city entered into agreements with Flint City Golf, LLC, and the Mott Park Public Golf Course Association to operate the city's golf courses.

Historically, the City of Flint purchased Lake Huron water from the Detroit Water and Sewerage Department (DWSD). Per a resolution that authorized the sale of Drinking Water Revolving Fund bonds, the city government sets its water rates to cover expenses of the administration and operation of the water system. These expenses include the rates charged by the DWSD, which had increased on average by 10% per year. The rates must be sufficient to pay an amount equal to 125% of principal and interest on bonds and any other obligations. In January 2011, the city increased water and sewer rates by 25% and 22% respectively. Another increase of 35% on both water and sewer rates followed in September 2011 in order to meet these revenue requirements.

In April 2013, the city ended its contract with DWSD, and opted instead to contract with the Karegnondi Water Authority (KWA) to build a pipeline from Lake Huron to Genesee County. Effective October 1, 2013, the City of Flint entered into a contract to purchase water from the KWA, with the pipeline expected to be completed in July 2016. The city officially switched its water source to the Flint River in April 2014, to be used until the agreement with the KWA came into effect. However, the city and its residents have experienced several issues with water quality since then.[xviii]. Flint was awarded $2 million from the state through Michigan's Financially Distressed Cities, Villages, and Townships Grant Program to improve its water infrastructure and quality[xix].

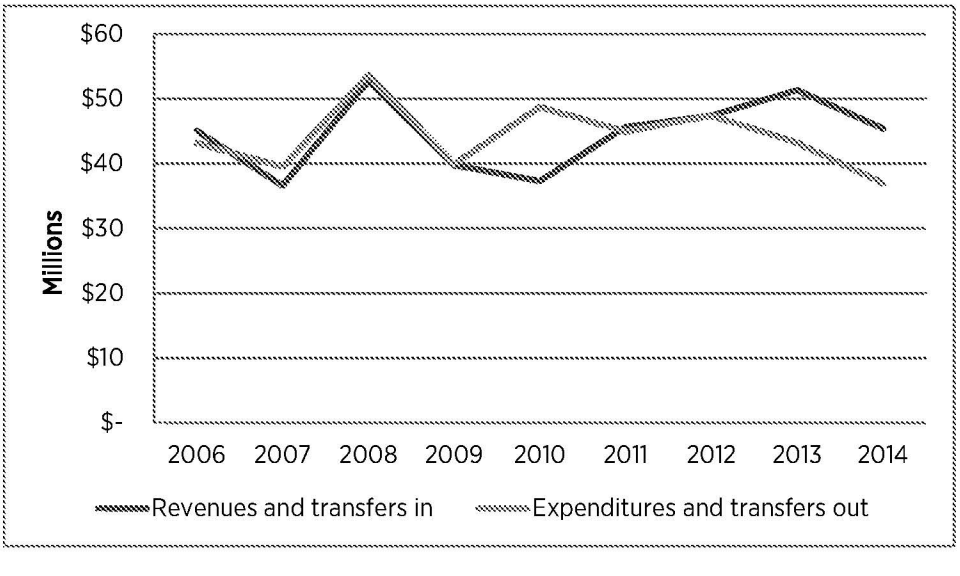


Exhibit IV-14 Other Flint Governmental Funds Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports

In general, the revenues and transfers into the water supply fund have exceeded expenditures and transfers out (**Exhibit IV-15**).

In contrast, the sewer disposal fund had seen major deficits annually up until FY2013 (**Exhibit IV-16**). One major contributor to the operating losses associated with this fund is internal borrowing by other funds. This will be discussed in more detail in section V.

Exhibit IV-15 Flint Water Supply Fund Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports

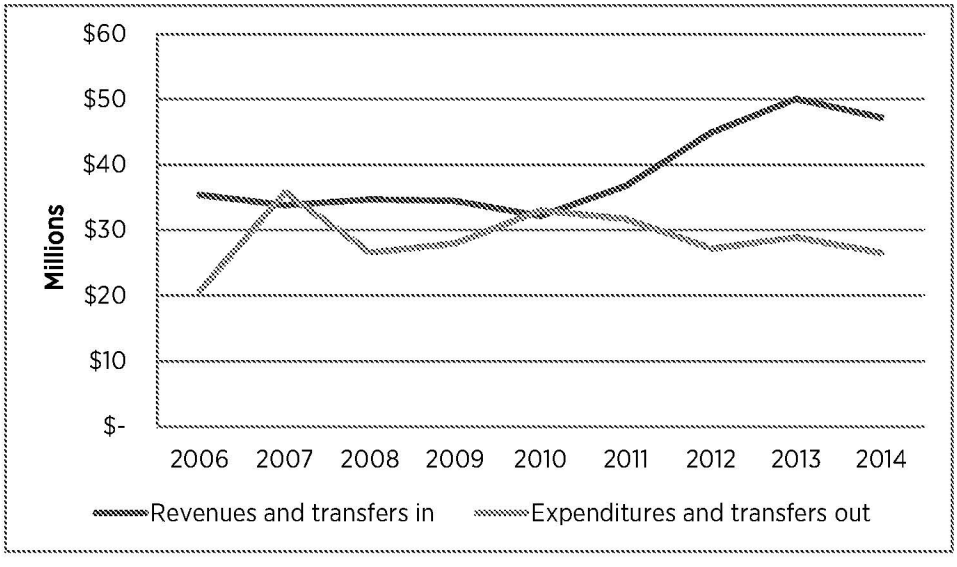
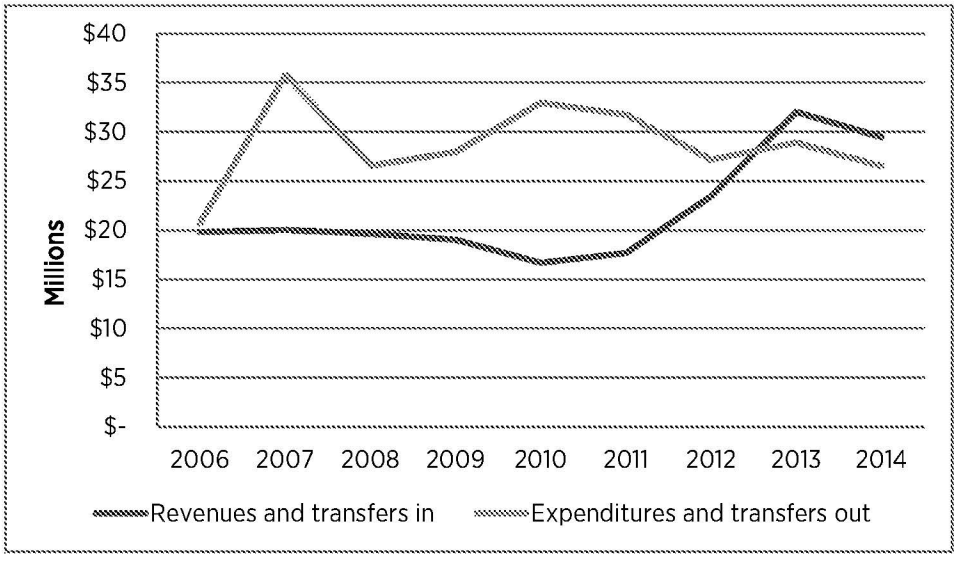


Exhibit IV-16 Flint Sewer Disposal Fund Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports



Internal Service Funds

The City of Flint allocates the internal service funds for data processing, fringe benefits, central maintenance garage, and self-insurance. Internal service funds should be self-sustaining through charges for services to other departments and funds. However, this is not always the case, as shown by the positive figures for "Transfers In" in **Exhibit IV-17**. The Central Maintenance Garage Fund received incoming transfers for six consecutive years. On average, these transfers amount to about 28% of operating costs annually. There was an exception in FY2013, in which the Central Maintenance Garage Fund issued an outgoing transfer to the Garbage Collection Fund in order to transfer proceeds related to the sale of city garbage trucks.

Exhibit IV-17 Flint Internal Service Fund Revenues and Expenditures (in thousands)
Data source: City of Flint Comprehensive Annual Financial Reports

Fiscal year	2006	2007	2008	2009	2010	2011	2012	2013	2014	Variation $	Variation %
Revenues and Transfers In											
Charges for services	$ 32,159	######	$ 41,269	$ 39,817	$ 35,715	######	######	$40,051	######	$ 22,931	71%
Transfers In	-	1,039	2,147	1,546	1,789	1,363	1,876	(1,500)	(1,072)	(1,072)	100%
Gain on Disposal of Capital Assets	-	-	-	-	-	-	-	1,047	155	155	
Investment Income	134	281	177	98	110	17	8	(83)	(6)	(139)	-104%
Revenues and transfers in	32,293	49,044	43,593	41,461	37,615	46,288	52,088	39,515	54,168	21,875	68%
Expenditures											
Data Processing	2,104	2,149	2,360	2,868	2,032	2,367	2,887	2,019	2,376	272	13%
Central Maintenace Garage	4,013	5,179	6,439	6,020	5,370	5,613	5,148	3,976	3,372	(641)	-16%
Self Insurance	2,770	17,715	5,180	3,173	2,028	8,706	3,813	2,387	1,399	(1,371)	-50%
Fringe Benefits	23,406	24,577	29,157	29,874	27,592	28,754	30,847	27,476	49,291	25,885	111%
Expenditures and transfers out	32,292	49,619	43,136	41,935	37,022	45,439	42,695	35,858	56,437	24,145	75%
Net change in	1	(575)	457	(474)	592	849	9,393	3,657	(2,269)		
Fund balance - beginning	2,856	2,856	2,281	2,738	2,264	2,857	3,706	13,099	16,756		
Fund balance - ending	$ 2,856	$ 2,281	$ 2,738	$ 2,264	$ 2,857	$ 3,706	$13,099	$16,756	$14,487		

V. Debt

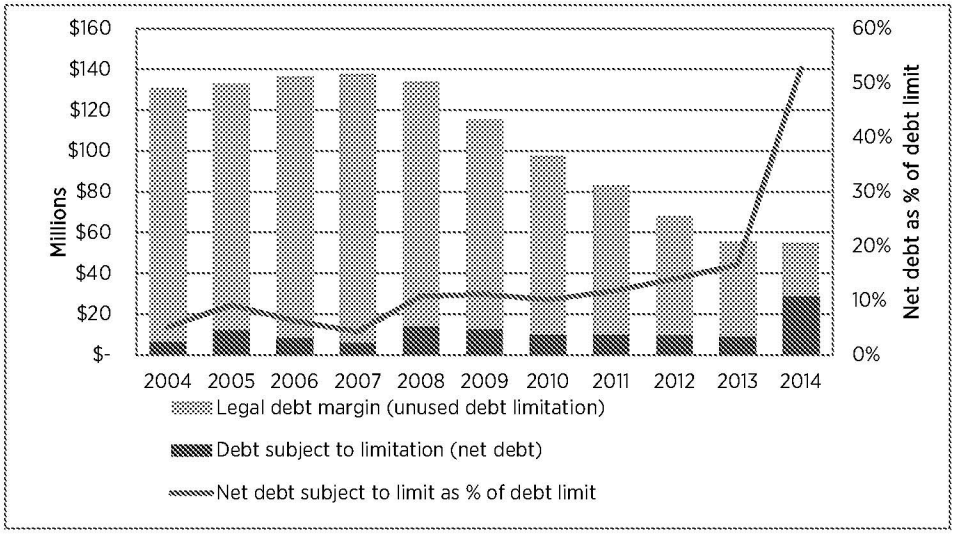
The City of Flint's bond rating has not been updated since the 2011 case study was written. The last bond rating was performed by Moody's Investor Service in February 2006. At that time, the City of Flint was assigned a rating of Ba1 with a stable outlook.

According to the city's financial audit reports, the City Charter limits net debt to 7% of the assessed value of the real and personal property in the city. **Exhibit V-1** discloses breakdown of the city's net debt limit since 2004. While the absolute amount of the city's debt has been fairly stable over time, the decline in property values in the city has closed the legal debt margin considerably (**Exhibit V-1**). As a result, the net debt as a percentage of the debt limit has jumped from about 4.3% in FY2007 to 16.6% in FY2013.

Many cities with chronic fiscal stress have a significantly large debt burden, which has not necessarily been the case for the City of Flint. The 2011 case study noted that this issue of fiscal distress was mainly due to the lack of capacity to issue debt or manage a long-term capital improvement program. In FY2011, the City made its final payment on an $8 million financial recovery bond issued in 2004 when it was operating under the authority of a state-appointed EFM. As noted earlier, the current level of fiscal stress has caused the City of Flint to seek $20 million fiscal stabilization bonds, of which it received $8 million. These funds are intended to address the chronic cash shortage and unfunded prior operating expenditures. Recurring cash shortages and the need to finance prior years' operations are often considered additional red flags indicating chronic fiscal stress.

Another symptom of chronic fiscal stress is an increased reliance on internal borrowing, another trend that has continued since the 2011 case study. When the City of Flint has difficulty obtaining external financing at a reasonable rate, cash from internal funds becomes a default source of borrowing. **Exhibit V-2** summarizes interfund borrowing activity since FY2006. The nature of this type of activity is generally related to operating transactions among funds. The City of Flint has used this to address cash shortages at the close of the fiscal year. The "Due to/from Other Funds" section is related to short-term loans, while the

Exhibit V-1 Flint Long-Term Debt Limit
Data source: City of Flint Comprehensive Annual Financial Reports



"Advances to/from Other Funds" is related to long-term loans. A concern arises when these balances are significant in dollar amounts and present for more than one year. The City of Flint's General Fund has relied on short-term interfund resources for seven out of the last nine fiscal years and long-term interfund resources since FY2012. As shown in **Exhibit V-2**, the primary lending fund for these transfers has been the Sewer Disposal Division Fund, which contributes to the fund's long-term structural deficit, as reported in **Exhibit IV-16** on page 26. The short-term balance of approximately $13.2 million at June 30, 2013, equates to almost 25% of General Fund revenues for FY2014.

In July 2012, the Flint City Council President, along with three other residents, filed a lawsuit against the city, claiming that the water and sewer rate increases in 2011 violated city ordinances.[xx] The claim was that because water and sewer funds have been transferred to the General Fund, additional funds raised had not been allocated toward their intended purposes. A Genesee County Circuit Court judge dismissed the case in June 2013, claiming that the rate increases were in compliance with Public Act 4, which granted legal power to emergency managers to make rate increases to reflect true operating costs.

As noted in the 2011 case study, advances among funds are often formalized in a written note with specific payment terms including an interest rate. The City of Flint has used advances to fund capital equipment purchases in its internal services funds. Such reliance on interfund borrowings may restrict the lending fund's financial flexibility and use of resources for the designated purpose. Recent advances from the Sewer Disposal Division Fund to the General Fund represent return on equity.

Exhibit V-2 Flint Interfund Borrowing for FY 2006 through FY 2014
Source: City of Flint Comprehensive Annual Financial Reports

Due to/from Other Funds									
Fiscal year	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Due to:									
Sewer Disposal Division Fund	**$ 10,371,382**	**$ 3,677,506**	**$ 20,161,971**	**$ 20,076,951**	**$ 15,532,804**	**$ 10,524,275**	**$ -**	**$ -**	**$ -**
Self Insurance Fund	-	15,700,000	16,505,386	11,533,250	-	-	-	-	-
Others	9,344	-	-	263,503	7,849,233	12,326,801	18,281,313	9,681,892	9,637,895
	$ 10,380,726	$ 19,377,506	$ 36,667,357	$ 31,873,704	$ 23,382,037	$ 22,851,076	$ 18,281,313	$ 9,681,892	$ 9,637,895
Due from:									
General Fund	**$ 7,279,154**	**$ -**	**$ 14,653,786**	**$ 17,169,931**	**$ 18,002,907**	**$ 14,491,155**	**$ 10,911,215**	**$ 6,312,097**	**$ 13,216,455**
Special Revenue Funds	1,987,245	1,977,579	2,915,148	2,470,945	3,024,856	3,426,800	2,929,238	2,518,595	-
Internal Service Funds	495,116	973,629	216,290	66,535	115,959	-	-	-	-
Pension Trust Funds	609,867	309,265	1,125,312	-	-	-	-	-	-
Enterprise Fund	-	413,729	1,251,435	369,540	1,387,115	708,044	3,589,660	-	-
Fiduciary	-	3,304	-	-	-	-	-	-	-
Sewer Disposal Division Fund	-	15,700,000	16,505,386	11,533,250	851,200	4,225,077	851,200	851,200	-
Others	9,344	-	-	263,503	-	-	-	-	-
	$ 10,380,726	$ 19,377,506	$ 36,667,357	$ 31,873,704	$ 23,382,037	$ 22,851,076	$ 18,281,313	$ 9,681,892	$ 13,216,455

Advances to/from Other Funds									
Fiscal year	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Advance from:									
Sewer Disposal Division Fund	**$ 5,251,361**	**$ 6,094,131**	**$ 4,940,753**	**$ 9,266,399**	**$ 2,426,749**	**$ 1,348,618**	**$ 10,522,453**	**$ 9,800,000**	**$ 2,660,000**
Water Supply Division Fund	-	-	-	-	-	-	1,000,000	1,000,000	1,130,000
	$ 5,251,361	$ 6,094,131	$ 4,940,753	$ 9,266,399	$ 2,426,749	$ 1,348,618	$ 11,522,453	$ 10,800,000	$ 3,790,000
Advance to:									
Internal Service Funds	**$ 4,539,404**	**$ 5,524,565**	**$ 4,513,579**	**$ 7,279,154**	**$ 2,426,749**	**$ 1,348,618**	**$ 522,680**	**$ -**	**$ -**
Enterprise Fund	711,957	569,566	427,174	1,987,245	-	-	-	-	-
General Fund	-	-	-	-	-	-	10,999,773	10,800,000	3,790,000
	$ 5,251,361	$ 6,094,131	$ 4,940,753	$ 9,266,399	$ 2,426,749	$ 1,348,618	$ 11,522,453	$ 10,800,000	$ 3,790,000

VI. Personnel Costs

Annual Earnings and Benefits

The City of Flint's payroll has declined by almost 1,000 full-time equivalent employees, about 63%, since 2001 due to attrition and downsizing (**Exhibit VI-1**). This breaks down to a 59% reduction in public safety employees and a 65% reduction in other city employees. The majority of this reduction has taken place since 2008.

Pension Benefits

The City of Flint has a defined benefit pension plan with a benefit that ranges from 1.7% to 2.6% of the participant's Final Average Compensation (FAC) based on the last three years of credited service, multiplied by the years of credit service based on the date of hire. Employees who retire at or after age 55 with 10 years of credited service (eight years for appointed officials) or those members with 25 years of credited service (23 years for police and fire employees), regardless of their age, are entitled to a retirement benefit. Certain police members can voluntarily retire at age 50 with 25 years of service. Benefits fully vest on reaching 10 years of service with the benefit payable at age 55. The plan requires employee contributions ranging from 0% to 9%.

Beginning in October 2012, the City of Flint closed out its single-employer plan and transferred approximately $270 million of assets to the Michigan Municipal Employees' Retirement System, an agent multi-employer plan that covers substantially all employees of city government. The City of Flint's unfunded pension liability is $241 million, as of its most recent actuarial valuation.

Defined benefit plan pension benefits are determined by following a three-part formula:

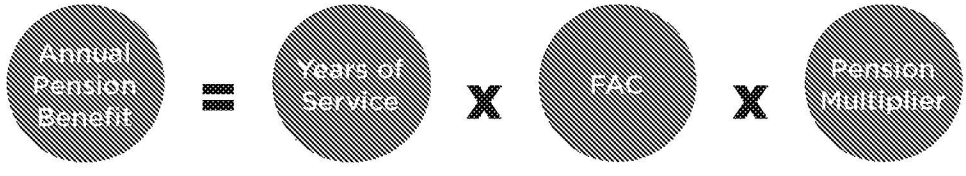
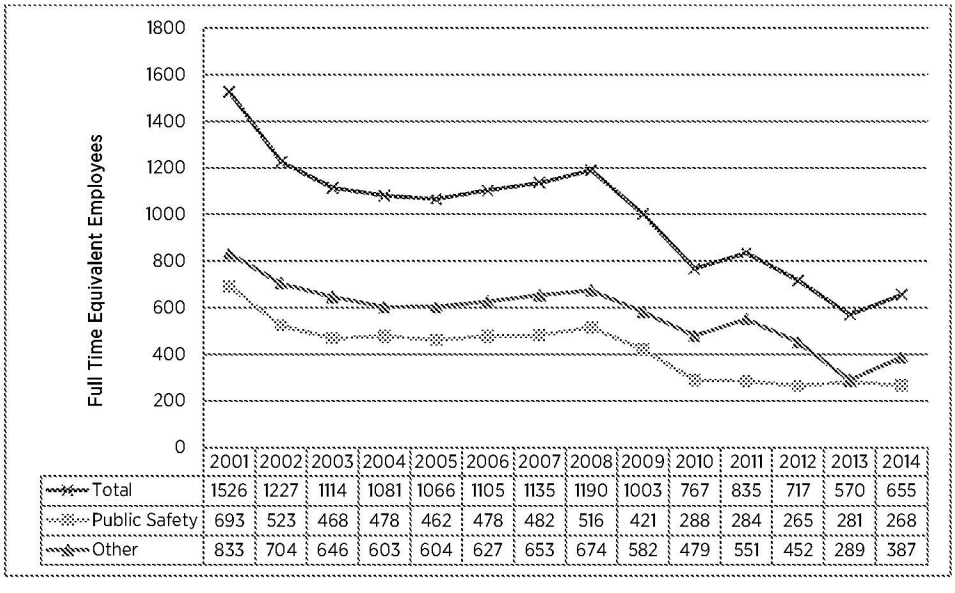


Exhibit VI-1 Flint Full-Time Equivalent Employees
Data source: City of Flint Comprehensive Annual Financial Report



	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total	1526	1227	1114	1081	1066	1105	1135	1190	1003	767	835	717	570	655
Public Safety	693	523	468	478	462	478	482	516	421	288	284	265	281	268
Other	833	704	646	603	604	627	653	674	582	479	551	452	289	387

Years of Service – Years of service is based on actual employee service, although sometimes the employee or employer may "buy" years of service at an actuarially determined cost. Unless this is fully funded in advance, it increases the long-term liability.

Final Average Compensation (FAC) – The final average compensation is the average of wages or salary paid to the employee based on a predetermined number of years. Identifying what type of compensation is included in the FAC is important. If it includes overtime, vacation leave payout, longevity, and other pay items, the cost to the employer increases. When the FAC is determined using fewer years, typically the benefit is higher since it is based on highest years. When the FAC period is very short, even small increases in overtime, compensatory time payout, or accrued leave time payout will increase the pension. This is the reason some retirees' actual pension benefits are higher than their regular full-time pay as active employees.

Pension Multiplier – The pension multiplier represents a percent of pay for each year of service.

A cost of living adjustment (COLA) provides an annual increase in benefit retirement. A COLA benefit of E2 provides a 2% annual increase in pension for retirees. Granting automatic pension increases can further constrain future administrations. Employers typically have a pension plan design where they may instead grant a one-time COLA adjustment to retirees.

The proportion of the Annual Required Contribution (ARC) that the city government has contributed to cover pension expenses has improved over the past several years (**Exhibit VI-2**). For every year since FY2009, the City of Flint has contributed at least the ARC amount.

Flint's pension Unfunded Accrued Actuarial Liability (UAAL) has increased from $194 million in 2006 to $323 million in 2011, which was the time of the last actuarial valuation (**Exhibit VI-3**). The funded ratio fell during this time from 81% to 61%.

Exhibit VI-2 Flint Pension – Actual vs. Annual Required Contribution

Data source: City of Flint Comprehensive Annual Financial Reports

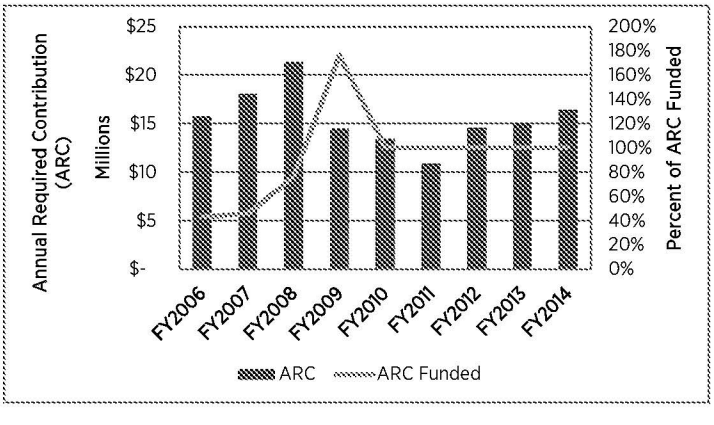
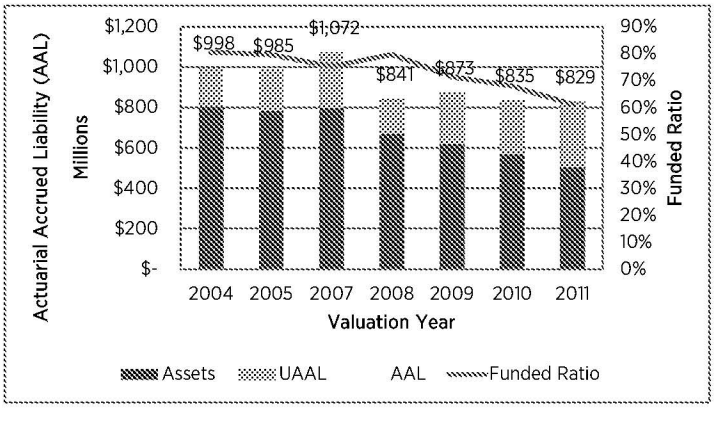


Exhibit VI-3 Flint Pension Funding Status

Data source: City of Flint Comprehensive Annual Financial Reports



Other Post-Employment Benefits

The City of Flint contributes to other post-employment benefits (OPEB) for public safety and general employees under collective bargaining agreements of Local 1799, Local 1600, and Fire Local 352. The proportion of the ARC that the city has paid to cover OPEB expenses has improved over the past couple years, from 31% in FY2011 to only 114% in FY2014 (**Exhibit VI-4**).

Since its actuarial valuation in 2006, the City of Flint's unfunded OPEB liability has been cut by $468 million. The city government began advance funding its OPEB plan in FY2012, which has been reflected in its 2012 actuarial valuation. As of this valuation, the plan is 0.1% funded, though that dropped to 0% in the 2013 valuation (**Exhibit VI-5**).

Exhibit VI-4 Flint Other Post-Employment Benefits – Actual vs. Annual Required Contribution
Data source: City of Flint Finance Department and Comprehensive Annual Financial Reports

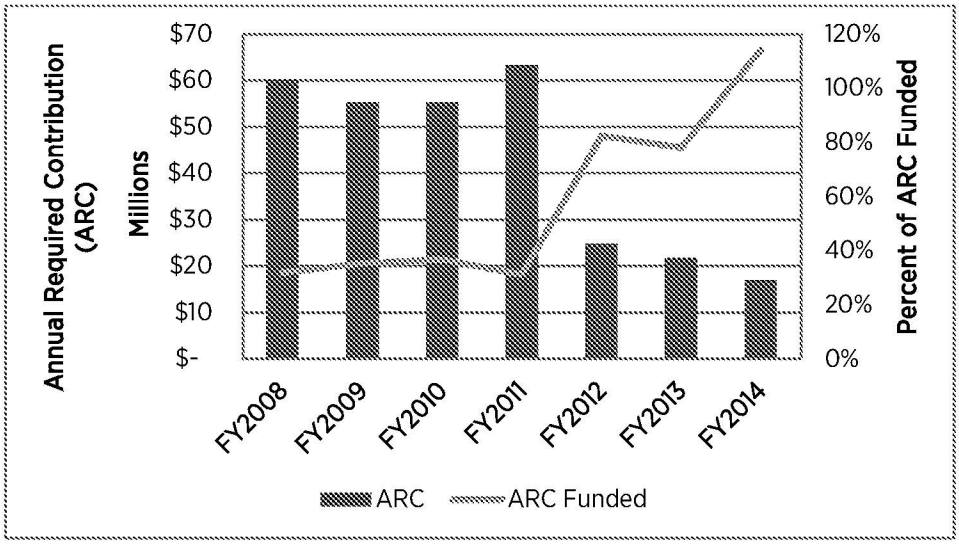
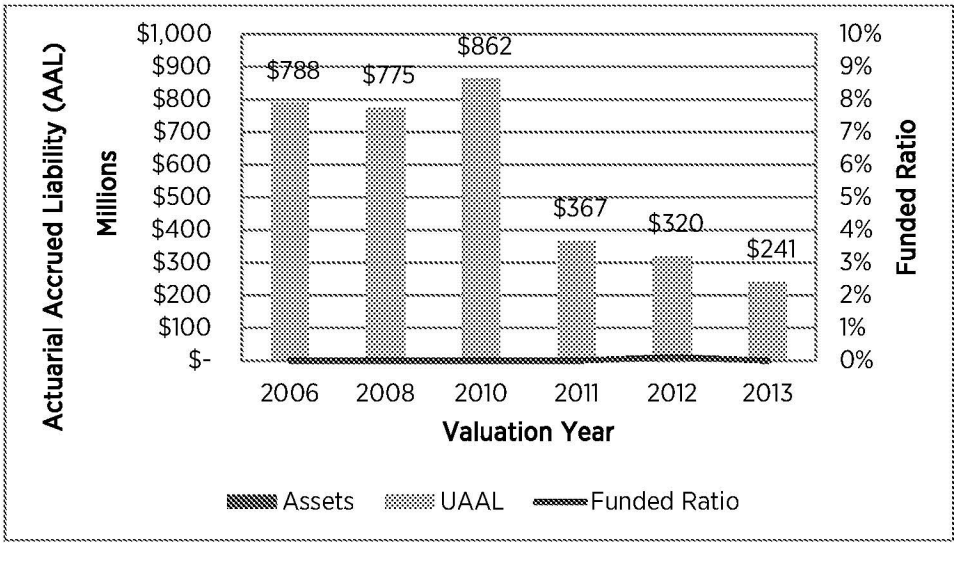


Exhibit VI-5 Flint Other Post-Employment Benefit Funding Status
Data source: City of Flint Comprehensive Annual Financial Reports



VII. Conclusion

On April 30, 2015, Gov. Rick Snyder rescinded the financial emergency in Flint and restored home rule and the power of the city's elected officials. It had been more than 10 years since the last time such an event occurred in Flint in the summer of 2004. Many questions still continue to swirl around the city's fiscal and economic future. A review of the reforms and changes that occurred since the appointment of an emergency manager in 2011 is a useful starting point for the city to understand the future fiscal trajectory it faces. This review will allow local and state officials to assess the reforms and changes in place and shape the future fiscal policy of the city of Flint, Michigan.

Changes implemented by the four emergency managers appointed to oversee Flint's finances were aimed at reducing the city's considerable budgetary deficit through reducing its financial obligations, especially pensions and other retiree benefits, while increasing city revenue. Some of the most significant changes have impacted the employees and retirees of the City of Flint. These two groups were the most important creditors of the city government. They remain so. Like many city governments in Michigan, Flint does not carry a large debt burden outside of water and sewer borrowing. This means that city retirees and employees are the groups owed the most by the city government and therefore, will be the most directly impacted during a financial reorganization following a fiscal crisis.

The structure of the city government was changed, with staffing reduced by 20%. A city administrator, who will serve as the city's chief administrative officer, was hired on a five-year contract. Among other responsibilities, the city administrator has the authority to negotiate collective bargaining agreements with the city's employee unions.

Reforms were also made to the way the city's budgeting practices, requiring two-year budgeting and three-year financial forecasts to be performed annually. This will allow city officials to identify and potentially deal with budgetary issues before they occur. The city government also adopted a master plan for the first time since the 1960s. The master plan identifies a vision for the city. It was developed with considerable input from the residents of Flint.

The electorate of Flint passed a referendum to have a Charter Review Commission put in place in the summer of 2015. The nine-member commission was elected in May of 2015. It will review the entire charter and assess options for reform. This is an excellent opportunity for the commission and the citizens of Flint to evaluate the current charter and determine a path forward for the city government that includes short-and long-term solvency.

The emergency manager signed a number of final orders before leaving office in April 2015. These orders involved the city council including agenda and meeting dates. They also included setting the special assessment for street lighting, restoring mayor and city council compensation, and adopting a set budget for FY 2016 and 2017. In addition, they included an order ensuring compliance with the so-called hard cap section of PA 152 of 2011 stating that the city shall not pay more than 80% of employee healthcare plans.

The final and perhaps most important order of the Flint emergency manager was issued on April 30, 2015. The overall purpose of the order is to ensure that the mayor and city council shall implement reforms and changes to maintain the fiscal stability of the city government. These provisions included following the recommendations of the Receivership Transition Advisory Board (RTAB) and city administrator. Specific other actions include 1) fully funding the annual pension requirement, 2) not interfering with city employees, 3) observing the budget ordinance, 4) ensuring all local laws are consistent with state laws, 5) not issuing debt without approval of the RTAB, 6) documenting all city liabilities, 7) verifying the appropriate eligibility requirements of all official city positions, 8) acting expeditiously on all economic development projects, and 9) reviewing and acting expeditiously on all intergovernmental cooperation initiatives by the city administrator. All of these provisions are intended to ensure that the city government, as dictated by the mayor and city council, follow certain practices and recommendations that are intended to maintain fiscal stability and solvency. These types of provisions were not in place after the 2002-04 crisis.

The city administrator is also subject to a number of provisions in the final EM order. These provisions include 1) overseeing day-to-day operation of city government, 2) negotiating and recommending changes to bargaining unit contracts to the RTAB, 3) submitting regular reports on city progress, 4) ensuring full compliance with PA 436 of 2012, 5) not removing city administrator without approval of RTAB, 6) observing all purchasing order ordinances, and 7) serving as primary interface between city council and city employees. Again, all of these provisions are meant to ensure the fiscal stability of the city government.

The changes made by the emergency managers have improved Flint's financial position. The general fund deficit was reduced from its peak of over $19 million in FY2012 to just over $8 million in the most recent fiscal year. The city has applied for a $7 million loan from Michigan's Emergency Loan Board, which would effectively eliminate

this deficit. Pension and OPEB liabilities have been significantly reduced, and reforms to employee collective bargaining agreements have reduced future legacy costs. Other cost-saving measures include transferring emergency dispatch to Genesee County and contracting out waste collection.

Despite the progress made since a fiscal emergency was declared in 2011, the City of Flint still faces considerable challenges to its fiscal solvency. Outgoing emergency manager Jerry Ambrose mentioned some of these in his final letter, including the lawsuit filed on behalf of Flint's retirees over changes made to their healthcare benefits, the structural deficit that still exists in the city's financial projections, challenges to fund the city's public safety needs, and the city's ageing infrastructure.

The overall Flint fiscal playbook that has been enacted by the state government and its emergency managers serves as an important template for these types of interventions.[12]

The first part of the playbook is that any reforms or changes must be in reference to the largest component of the fiscal problem, which in this case related to liabilities owed to employees and retirees. Many important changes were made to wages and compensation, pension system benefits, medical benefits and other such liabilities. Of equal or perhaps greater importance, there are a number of safeguards now in place to ensure that these changes remain in place for a long period. Any adjustments to these reforms must go through the city administrator and the RTAB. These safeguards are obviously meant to prevent any backsliding to previous wage or benefit levels. It is this type of activity that led to the most recent crisis, as changes made by the emergency financial manager in 2004 were not kept in place and most of those changes were rescinded by the elected officials between 2004 and 2011. Those changes, combined with the worst recession since the Great Depression, meant that the city faced short- and long-term fiscal insolvency in 2011.

[12] This statement is not meant as recommendation or approval for the state emergency manager law. There are many dimensions upon which the state emergency manager should be assessed. This statement is simply meant to reflect that, in following this path, the Flint experience, with one of the state's largest cities, may be an important reference point.

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Endnotes

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[iv] US Environmental Protection Agency Region 5 Land and Chemicals Division, "Buick City - Region 5 Cleanup Sites," Overviews & Factsheets http://www.epa.gov/Region5/cleanup/rcra/buickcity/index.html#cmi.

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[xviii] *Flint Water System Timeline*. https://www.cityofflint.com/public-works/city-water-system-timeline/

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From: Hall, Jean (GOV)
Sent: Tuesday, November 03, 2015 4:44 PM
To: Muchmore, Dennis (GOV); Mcbride, Bill (GOV); Agen, Jarrod (GOV); Walsh, John (GOV)
Cc: Scott, Allison (GOV); Clement, Elizabeth (GOV); Khouri, Claire (GOV); Wurfel, Sara (GOV); Brown, Eric (GOV); Blackwell, Rob (GOV); Arwood, Cheri (GOV); Hansen, Rachel (GOV); Taylor, Nicole (GOV); Brownfield, Michael (GOV); Redford, James (GOV); Wisniewski, Wendy (GOV); Thomet, Ruth (GOV); Stoken, Laura (GOV); Kennedy, Jordan (GOV); Lukasik, Liz (GOV); Weber, Travis (GOV); Ayers, Angela (GOV)
Subject: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15
Attachments: 11.2.15 DEQ USEPA Flint Water Task Force.doc; Information Transmittal USEPA Task Force 11-3-15.pdf

Importance: High

Hello All,

DEQ is seeking the Governor's signature on the attached letter to Dr. Susan Hedman, Regional Administrator, USEPA, Region 5. The letter designates Jim Sygo, Chief Deputy Director, MDEQ as the DEQ point person for the USEPA – Region 5 Flint Safe Drinking Water Task Force.

For your reference, DEQ provided the attached Transmittal Form , along with a copy of the October 21 Flint Drinking Water Action Plan Update which includes a summary about the conference call with USEPA and MDEQ where the USEPA requested this letter. The attachment also includes the USEPA's October 16 press release about the establishment of the Task Force (see yellow highlighted text in both attachments)

Your approval, input, and/or changes are needed by EOB by **Tues. 11.10.15.**

If you have any questions or need additional background information, please let me know.

Thank you.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
Hallj15@michigan.gov
517-241-5493

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

November 2, 2015

Dr. Susan Hedman, Regional Administrator
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard (R-19J)
Chicago, Illinois 60604-3507

Dear Dr. Hedman:

This letter is in follow up to a conference call on October 20, 2015 between the United States Environmental Protection Agency (USEPA), Region 5, and the Michigan Department of Environmental Quality (MDEQ). The purpose of that call was to discuss Region 5's Flint Safe Drinking Water Task Force (Task Force) that was established to provide the USEPA's technical expertise to the MDEQ and the city of Flint, Michigan.

During that call, it was requested that the State of Michigan provide the USEPA with an MDEQ point of contact for the Task Force. This letter is to inform you of the designation of Mr. Jim Sygo, Chief Deputy Director, MDEQ, as that point of contact. Mr. Sygo's contact information is below:

Michigan Department of Environmental Quality
P.O. Box 30473
Lansing, MI 48909-7973
sygoj@michigan.gov
517-284-6709

Thank you for your assistance in this matter as we work together to ensure a safe and reliable drinking water supply for the city of Flint.

Sincerely,

Rick Snyder
Governor

cc: Mr. Robert Kaplan, Deputy Regional Administrator, USEPA, Region 5
Mr. Dan Wyant, Director, MDEQ
Mr. Jim Sygo, Chief Deputy Director, MDEQ

DEQ

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
EXECUTIVE DIVISION

INFORMATION TRANSMITTAL AND REQUEST FOR GOVERNOR'S ACTION

TO: Governor Rick Snyder via Jean Hall

FROM: Dan Wyant, Director

DATE: November 3, 2015

SUBJECT: Task Force Point of Contact Designation Letter to Susan Hedman, Regional Administrator, United States Environmental Protection Agency, Region 5

Action Taken by DEQ (action requested of Governor's Office in parentheses)
☒ Letter (for Governor's signature – draft attached)
☐ Printed Material (for Governor's signature – attached)
☐ Proclamation Request (for Governor's signature – draft attached)
☐ Telephone Call (for Governor's information – explanation given under "Situation Description")
☐ Other:

Governor's Action Requested By: November 16, 2015

Situation Description: During an October 20 conference call between the USEPA and DEQ regarding USEPA's establishment of the Flint Safe Drinking Water Task Force, the USEPA requested that Governor Snyder designate a DEQ point of contact for the Task Force. Attached are a draft letter to be signed by Governor Snyder, the October 21 Flint Drinking Water Action Plan Update regarding the conference call, and USEPA's October 16 press release regarding the establishment of the Task Force. Please contact Karen Shaler, Executive Division, DEQ, at shalerk@michigan.gov when the letter is ready to be picked up. Thank you.

Contact Person's Name: Jim Sygo, Chief Deputy Director
DEQ Division/Office: Executive Division
Telephone: 517-284-6709
E-Mail Address: sygoj@michigan.gov

Governor's Response (for Governor's Office use only):

Flint Drinking Water Action Plan Update

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

- Action Step #1 has been incorporated into the After Action Plan (Action Step #4).

- It was determined that the information in Action Step #10 would be communicated better in person and has, therefore, been incorporated into Action Step #13.

- DEQ staff has tentatively identify the week of October 26 to meet with representatives from the remaining 10 locations in the Flint Community Schools who were not present at the October 16 meeting at the Superintendent's office.

- DEQ staff has contacted DHHS to request a meeting regarding lead education materials for schools.

- The first plumbing assessment has been scheduled for Friday, October 23. The subsequent sampling of the first facility has been scheduled for Saturday, October 24. This decision was made jointly among DEQ, DLARA, and DHHS in an effort to ensure that sampling staff could properly evaluate the sampling protocol without the added pressure of completing the sampling process before students arrived on-site.

- The DEQ Laboratory has created a fillable PDF form for use in the school sampling protocol. This form was created to streamline the information gathering process. The form was submitted for review by staff in DEQ, DHHS, and DLARA, and comments were subsequently incorporated. The form is now complete and ready for use.

- The corrosion control treatment plan (CCTP) and permit application were received late last Friday, October 16, and were reviewed. Our review comments were provided to Flint's consultant [Lockwood, Andrews & Newnam, Inc. (LAN)]. The CCTP was forwarded to EPA on October 16, and their comments were received on October 19. A conference call was held on October 20 between our staff and Darren Lytle and Michael Schock of EPA to discuss the main comments (EPA's and DEQ's) to confirm that both agencies concur with the design and proposed corrosion control dosages. We are currently preparing a revised set of comments, based on our discussion with EPA. The revised comments will be sent to EPA to confirm concurrence before sending to LAN.

- An Act 399 permit will be issued to the city of Flint to install corrosion control treatment following receipt of revised plans, specs, and – as needed – a permit application that addresses the revised review comments.

- DEQ staff has contacted DHHS to schedule a meeting to discuss the development of childcare facility guidance. This guidance will be similar in nature to what is being done in schools but will be tailored to address the specific

concerns with younger children and the smaller plumbing infrastructure of typical childcare facilities.

Additional Actions:

- Standing meetings with the city of Flint have been scheduled for Fridays at 10:00 a.m. These meetings have been scheduled through December 18. In addition, a tour of the Flint Water Treatment Plant has been scheduled for October 23. The DEQ be taking video footage of the tour, showing the coordinated efforts being taken by the city of Flint, DEQ, DHHS, and DLARA. Genesee County Health Department (GCHD) has been invited to the Friday meetings as well as the tour, and GCHD is in the process of determining if they can participate.

- A meeting was held between staff from the DEQ, DLARA, and DHHS to discuss details regarding the flow and coordination of efforts for the school sampling protocol. It was mutually agreed that it was best to only do one school at first so that we can ensure that the process runs smoothly from partner to partner. The first plumbing evaluation will be done at Freeman Elementary School on Friday, October 23. Steve Busch of the DEQ will accompany staff from DLARA to answer questions they might have during their plumbing evaluations. The subsequent water sampling effort will take place the next day, on Saturday, October 24. It was agreed that taking the samples on Saturday would allow staff to be able to evaluate the sampling process without the added pressure of ensuring that the sampling was complete before students arrived at the building.

- DEQ Director Dan Wyant, Jim Sygo, George Krisztian, and Karen Tommasulo held a conference call with Dr. Susan Hedman, EPA's Regional Administrator, and other representatives from EPA to discuss the EPA's formation of the Flint Safe Drinking Water Task Force. The purpose of the Task Force is to provide one-stop shopping for technical assistance for the optimization of corrosion controls for the switch from Detroit Water and Sewerage Department to the Karegnondi Water Authority. EPA requested a point of contact for the DEQ, and Director Wyant suggested Chief Deputy Director Jim Sygo. EPA agreed that this was an appropriate choice and requested a formal letter indicating Chief Deputy Director Sygo as the point of contact.

- DHHS has indicated that the total water filter/pitcher distribution for the period of October 6 through October 20 was 9,373 units.

Prepared by: George Krisztian, Flint Action Plan Coordinator
Laboratory Director
Department of Environmental Quality
Telephone: 517-284-6719
Cell: [redacted]
October 21, 2015

Shaler, Karen (DEQ)

From: Thelen, Mary Beth (DEQ)
Sent: Friday, October 16, 2015 5:40 PM
To: Krisztian, George (DEQ); Sygo, Jim (DEQ); Shekter Smith, Liane (DEQ)
Cc: Shaler, Karen (DEQ); Devereaux, Tracy Jo (DEQ)
Subject: FW: EPA Establishes Safe Drinking Water Task Force to Provide Expertise to MDEQ and City of Flint

FYI.

From: Josh Singer [mailto:noreply-subscriptions@epa.gov]
Sent: Friday, October 16, 2015 12:18 PM
To: Olszewski, Rosemarie (DEQ)
Subject: EPA Establishes Safe Drinking Water Task Force to Provide Expertise to MDEQ and City of Flint

Contact Information: Anne Rowan, rowan.anne@epa.gov 312-353-9391

For Immediate Release No. 15-OPA160

EPA Establishes Safe Drinking Water Task Force to Provide Technical Expertise to MDEQ and City of Flint

Task Force providing technical assistance on reconnecting the Flint drinking water system to a new source

CHICAGO (October 16, 2015) - Today U.S. Environmental Protection Agency Region 5 Administrator Susan Hedman established the Flint Safe Drinking Water Task Force to provide the Agency's technical expertise through regular conversations with designated officials from Michigan Department of Environmental Quality (MDEQ) and the City of Flint. The Task Force will be led by the Region 5 Deputy Regional Administrator and will assist with developing and implementing a plan to secure water quality, including measures to optimize corrosion control. Task Force members will be available to consult with MDEQ and the City of Flint on site in Flint. The Task Force will also coordinate as necessary with federal, state and local public health agencies to assist with protection of public health.

Specifically, the Task Force will provide technical assistance to the MDEQ and the City of Flint to reconnect the Flint system to a new source of drinking water (to be supplied by the Great Lakes Water Authority) and to optimize corrosion control for the Flint system, starting in October 2015. The Task Force will also provide technical assistance to the MDEQ and the City of Flint, as needed, in advance of and following connection of the Flint water system to a new source of drinking water (to be supplied by the Karegnondi Water Authority) and to optimize corrosion control for the Flint system, starting in 2016.

"EPA is committed to working with our state and local partners to ensure a safe and reliable drinking water supply for the residents of Flint, Michigan," Hedman said. "The formation of this task force continues our commitment to providing technical assistance to the City of Flint and the State of Michigan."

The Task Force will be comprised of scientists and technical experts from the EPA Region 5 office in Chicago, the National Risk Management Research Lab in Cincinnati and the EPA drinking water program. In addition, EPA will ask the Governor to designate a MDEQ official and the Mayor of Flint to designate a city official, to serve as points of contact for the Task Force.

From: Hall, Jean (GOV)
Sent: Wednesday, November 04, 2015 8:04 AM
To: Wisniewski, Wendy (GOV); Kennedy, Jordan (GOV)
Subject: FW: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Good Morning!

Can you please make sure Jarrod and Beth look at this? See Mike's comments below.

Thanks!

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
Hall116@michigan.gov
517-241-5493

From: Brownfield, Michael (GOV)
Sent: Wednesday, November 04, 2015 7:58 AM
To: Hall, Jean (GOV) <hall116@michigan.gov>
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Looks fine to me, but given the subject matter I think you probably want to get a sign off from someone who has been plugged into this issue (Beth or Jarrod, I guess.)

From: Hall, Jean (GOV)
Sent: Tuesday, November 03, 2015 4:44 PM
To: Muchmore, Dennis (GOV); Mcbride, Bill (GOV); Agen, Jarrod (GOV); Walsh, John (GOV)
Cc: Scott, Allison (GOV); Clement, Elizabeth (GOV); Khouri, Claire (GOV); Wurfel, Sara (GOV); Brown, Eric (GOV); Blackwell, Rob (GOV); Arwood, Cheri (GOV); Hansen, Rachel (GOV); Taylor, Nicole (GOV); Brownfield, Michael (GOV); Redford, James (GOV); Wisniewski, Wendy (GOV); Thomet, Ruth (GOV); Stoken, Laura (GOV); Kennedy, Jordan (GOV); Lukasik, Liz (GOV); Weber, Travis (GOV); Ayers, Angela (GOV)
Subject: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

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Thank you.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
HallJ16@michigan.gov
517-241-5493

From: Hall, Jean (GOV)
Sent: Wednesday, November 04, 2015 8:14 AM
To: Wisniewski, Wendy (GOV)
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Thanks. So I guess just Dennis and Jarrod should sign off.

.....that Mike Brownfield.....

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
HallJ16@michigan.gov
517-241-5493

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, November 04, 2015 8:11 AM
To: Hall, Jean (GOV) <hallj16@michigan.gov>
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Beth hasn't been involved in Flint water at all. Just Dennis and Jarrod

---

From: Hall, Jean (GOV)
Sent: Wednesday, November 04, 2015 8:04 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>
Subject: FW: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Good Morning!

Can you please make sure Jarrod and Beth look at this? See Mike's comments below.

Thanks!

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
HallJ16@michigan.gov
517-241-5493

From: Brownfield, Michael (GOV)
Sent: Wednesday, November 04, 2015 7:58 AM
To: Hall, Jean (GOV) <hallj16@michigan.gov>
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From: Hall, Jean (GOV)
Sent: Tuesday, November 03, 2015 4:44 PM
To: Muchmore, Dennis (GOV); Mcbride, Bill (GOV); Agen, Jarrod (GOV); Walsh, John (GOV)
Cc: Scott, Allison (GOV); Clement, Elizabeth (GOV); Khouri, Claire (GOV); Wurfel, Sara (GOV); Brown, Eric (GOV); Blackwell, Rob (GOV); Arwood, Cheri (GOV); Hansen, Rachel (GOV); Taylor, Nicole (GOV); Brownfield, Michael (GOV); Redford, James (GOV); Wisniewski, Wendy (GOV); Thomet, Ruth (GOV); Stoken, Laura (GOV); Kennedy, Jordan (GOV); Lukasik, Liz (GOV); Weber, Travis (GOV); Ayers, Angela (GOV)
Subject: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Hello All,

DEQ is seeking the Governor's signature on the attached letter to Dr. Susan Hedman, Regional Administrator, USEPA, Region 5. The letter designates Jim Sygo, Chief Deputy Director, MDEQ as the DEQ point person for the USEPA – Region 5 Flint Safe Drinking Water Task Force.

For your reference, DEQ provided the attached Transmittal Form , along with a copy of the October 21 Flint Drinking Water Action Plan Update which includes a summary about the conference call with USEPA and MDEQ where the USEPA requested this letter. The attachment also includes the USEPA's October 16 press release about the establishment of the Task Force (see yellow highlighted text in both attachments)

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If you have any questions or need additional background information, please let me know.

Thank you.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
Hallj15@michigan.gov
517-241-5493

From: Hall, Jean (GOV)
Sent: Wednesday, November 04, 2015 10:08 AM
To: Wisniewski, Wendy (GOV)
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Thank you.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
HallJ16@michigan.gov
517-241-5493

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, November 04, 2015 10:07 AM
To: Hall, Jean (GOV) <hallj16@michigan.gov>
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Dennis is ok with this

From: Hall, Jean (GOV)
Sent: Tuesday, November 03, 2015 4:44 PM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Mcbride, Bill (GOV) <mcbrideb@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Walsh, John (GOV) <WalshJ@michigan.gov>
Cc: Scott, Allison (GOV) <scotta12@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Khouri, Claire (GOV) <KhouriC@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Brown, Eric (GOV) <BrownE15@michigan.gov>; Blackwell, Rob (GOV) <Blackwellr2@michigan.gov>; Arwood, Cheri (GOV) <ArwoodC@michigan.gov>; Hansen, Rachel (GOV) <hansenr3@michigan.gov>; Taylor, Nicole (GOV) <TaylorN7@michigan.gov>; Brownfield, Michael (GOV) <BrownfieldM2@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV) <ThometR@michigan.gov>; Stoken, Laura (GOV) <StokenL@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Lukasik, Liz (GOV) <LukasikL@michigan.gov>; Weber, Travis (GOV) <WeberT7@michigan.gov>; Ayers, Angela (GOV) <AyersA@michigan.gov>
Subject: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15
Importance: High

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Thank you.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
HallJ16@michigan.gov
517-241-5493

From: Hall, Jean (GOV)
Sent: Wednesday, November 04, 2015 10:21 AM
To: Wisniewski, Wendy (GOV)
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

You're on it.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
HallJ16@michigan.gov
517-241-5493

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, November 04, 2015 10:14 AM
To: Hall, Jean (GOV) <hallj16@michigan.gov>
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Already in CTS too. ☺

From: Hall, Jean (GOV)
Sent: Wednesday, November 04, 2015 10:08 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

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Office of Strategic Policy
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<BrownE15@michigan.gov>; Blackwell, Rob (GOV) <Blackwellr2@michigan.gov>; Arwood, Cheri (GOV) <ArwoodC@michigan.gov>; Hansen, Rachel (GOV) <hansenr3@michigan.gov>; Taylor, Nicole (GOV) <TaylorN7@michigan.gov>; Brownfield, Michael (GOV) <BrownfieldM2@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV) <ThometR@michigan.gov>; Stoken, Laura (GOV) <StokenL@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Lukasik, Liz (GOV) <LukasikL@michigan.gov>; Weber, Travis (GOV) <WeberT7@michigan.gov>; Ayers, Angela (GOV) <AyersA@michigan.gov>
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Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
HallJ16@michigan.gov
517-241-5493

From: Agen, Jarrod (GOV)
Sent: Thursday, November 05, 2015 8:35 AM
To: Wisniewski, Wendy (GOV)
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Approved

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, November 04, 2015 10:13 AM
To: Agen, Jarrod (GOV) <AgenJ@michigan.gov>
Subject: FW: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15
Importance: High

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To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Mcbride, Bill (GOV) <mcbrideb@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Walsh, John (GOV) <WalshJ@michigan.gov>
Cc: Scott, Allison (GOV) <scotta12@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Khouri, Claire (GOV) <KhouriC@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Brown, Eric (GOV) <BrownE15@michigan.gov>; Blackwell, Rob (GOV) <Blackwellr2@michigan.gov>; Arwood, Cheri (GOV) <ArwoodC@michigan.gov>; Hansen, Rachel (GOV) <hansenr3@michigan.gov>; Taylor, Nicole (GOV) <TaylorN7@michigan.gov>; Brownfield, Michael (GOV) <BrownfieldM2@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV) <ThometR@michigan.gov>; Stoken, Laura (GOV) <StokenL@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Lukasik, Liz (GOV) <LukasikL@michigan.gov>; Weber, Travis (GOV) <WeberT7@michigan.gov>; Ayers, Angela (GOV) <AyersA@michigan.gov>
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Thank you.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
Hall116@michigan.gov
517-241-5493

From: Hall, Jean (GOV)
Sent: Thursday, November 05, 2015 8:54 AM
To: Wisniewski, Wendy (GOV)
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Yes. Let's go out somewhere ☺. Do you have our schedule yet for the beer festivals?

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
HallJ16@michigan.gov
517-241-5493

From: Wisniewski, Wendy (GOV)
Sent: Thursday, November 05, 2015 8:52 AM
To: Hall, Jean (GOV) <hallj16@michigan.gov>
Subject: FW: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

My job here is done. ☺

From: Agen, Jarrod (GOV)
Sent: Thursday, November 05, 2015 8:35 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Approved

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, November 04, 2015 10:13 AM
To: Agen, Jarrod (GOV) <AgenJ@michigan.gov>
Subject: FW: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15
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Cc: Scott, Allison (GOV) <scotta12@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Khouri, Claire (GOV) <KhouriC@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Brown, Eric (GOV) <BrownE15@michigan.gov>; Blackwell, Rob (GOV) <Blackwellr2@michigan.gov>; Arwood, Cheri (GOV) <ArwoodC@michigan.gov>; Hansen, Rachel (GOV) <hansenr3@michigan.gov>; Taylor, Nicole (GOV) <TaylorN7@michigan.gov>; Brownfield, Michael (GOV) <BrownfieldM2@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV)

<ThometR@michigan.gov>; Stoken, Laura (GOV) <StokenL@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Lukasik, Liz (GOV) <LukasikL@michigan.gov>; Weber, Travis (GOV) <WeberT7@michigan.gov>; Ayers, Angela (GOV) <AyersA@michigan.gov>
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Thank you.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
HallJ16@michigan.gov
517-241-5493

From: Reynolds, Lawrence <LawrenceR@mottchc.org>
Sent: Monday, November 09, 2015 9:11 AM
To: Eric Rothstein; Agen, Jarrod (GOV); Wisniewski, Wendy (GOV); Matthew M. Davis; Murray, David (GOV); Wyant, Dan (DEQ); Anderson, Madhu (DEQ); Chris Kolb; Ken Sikkema; Kennedy, Jordan (GOV); Thelen, Mary Beth (DEQ); Copen, Leigh (DEQ); Grijalva, Nancy (DHHS); Baird, Richard (GOV); VanSickle, Michele (GOV); Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Hollins, Harvey (GOV); Higgins, Deborah
Subject: RE: Governor's Flint Water Advisory Task Force - Logistics Update

Thank you, Eric.

From: Eric Rothstein [mailto:erothste@grg-ltd.com]
Sent: Saturday, November 07, 2015 7:26 AM
To: Jarrod Agen; Wendy Wisniewski; Matthew M. Davis; Dave Murray; Dan Wyant; Madhu R. Anderson; Chris Kolb; Ken Sikkema; Jordan Kennedy; Mary Beth Thelen; Leigh Copen; Nancy Grijalva; Rich Baird; Michele, VanSickle; Beth Clement; Dennis Muchmore; Harvey Hollins; Reynolds, Lawrence; Higgins, Deborah
Subject: Governor's Flint Water Advisory Task Force - Logistics Update

Ladies and Gentlemen,

This is to provide a brief update on some of the arrangements that we are making to conduct the work of the Governor's Flint Water Advisory Task Force (FWATF):

- To simplify communications among task force members, the Task Force has decided to close the Basecamp project that was initially set up for the entirety of the roster provided earlier. The Basecamp project for the FWATF will be maintained for task force members. Accordingly, to archive documents for the FWATF's review and consideration, please e-mail to me (erothste@grg-ltd.com) or any one of the FWATF members and we will arrange for posting to Basecamp. If you have large documents or a large number of documents, please contact me and we can arrange for posting to Dropbox.
    - (This is why the project has not been accessible in the event that you have tried to load documents)
- I thought it might be helpful for the FWATF to develop a brief status report on our activities — interviews and meetings conducted and scheduled, documents collected, etc. - perhaps on a bi-weekly or even weekly basis. So, unless there is objection or concerns, I will try to craft a reporting template for discussion by the FWATF at our next regularly scheduled meeting. If you have suggestions for this reporting, please send along.
- We have put on our respective calendars a weekly meeting, generously hosted at PSC offices, on Wednesday mornings. We are also attempting to schedule a "listening session" in Flint in the next few weeks as well as briefing sessions with MDEQ and MHHS.

My apologies for any confusion regarding the Basecamp set-up. Please let me know if you have any questions or concerns.

- Eric

Eric P. Rothstein, CPA
GLWA Implementation Planning Program Manager
Galardi Rothstein Group - Principal
3300 N. Lake Shore Drive, Unit 6C
Chicago, IL 60657

iPhone: [redacted]
E-Mail: erothste@grg-ltd.com

Web: www.grg-ltd.com

From: Wurfel, Sara (GOV)
Sent: Monday, November 09, 2015 3:47 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Hollins, Harvey (GOV); Baird, Richard (GOV)
Cc: Agen, Jarrod (GOV); Murray, David (GOV); Wisniewski, Wendy (GOV); Scott, Allison (GOV)
Subject: FW: Flint water school testing results - TODAY
Attachments: School results PR.docx

Importance: High

Please see below and attached release per brief convo at senior staff. Sill no exact word on timing of blood lead level data from DHHS – hopefully by late this week.

DEQ also has video that they'll be using for some footage of the testing with TV stations. Link here: https://youtu.be/Amy4cDW7RtA

Freeman Elementary water testing shows lead exposure limited to fixtures

Experts release water testing results on schools and homes in Flint

As part of Gov. Rick Snyder's action plan for Flint drinking water, the DEQ today released water testing data from nearly 400 homes and businesses in Flint as well as comprehensive sampling results from Freeman Elementary School.

Both sets of data indicate the problems with lead are localized to individual buildings or even individual faucets, rather than system-wide issues.

"The results from this data underline the need for water testing at all homes, businesses, schools and other buildings in Flint," said George Krisztian, the DEQ's Flint Action Plan Coordinator. "Problems with lead exposure appear to be localized to individual service lines or plumbing fixtures, and we want to see all families in Flint take advantage of free water testing from the state."

Freeman Elementary testing results
At Freeman Elementary, 31 faucets were tested using a series of four samples each. Twenty-two outlets did not show elevated lead exposure, but nine faucets came back with initially high results.

Those nine outlets involve brass components, indicating the problem involves the fixtures or plumbing immediately surrounding the fixture. When the faucets and fountains were operated for several minutes, lead levels fell significantly, in some cases to non-detectable levels.

Additional testing designed to look deep into the school's plumbing did not suggest larger, systemic issues.

Freeman Elementary has several options for remedying the issues at these nine faucets and fountains. The school can elect not to use those particular fountains, or implement a formalized flushing regimen. The sampling results indicate that for all but one tap, a 3- to 4-minute flushing period each morning would drastically reduce lead exposure.

For a permanent solution, the school should opt to replace the faucets and fountains of concern.

"The safety and health of our students are our primary concern at Flint Community Schools, so we will start work as soon as possible to replace faucets, aerators and other related components where high lead levels were detected," FCS Superintendent Bilal Tawwab said. "Once those fixes have been made, the DEQ has offered to provide additional testing of the water at Freeman Elementary to ensure the water from every sample is safe for our students. Flint Community Schools appreciates the efforts by the DEQ, working with all stakeholders to make sure our water continues to be tested and that our students have access to safe, clean drinking water."

For Freeman Elementary's complete sampling results and more information about how sampling was conducted, visit www.michigan.gov/flintwater.

The DEQ and the DLARA also have conducted sampling at other Flint schools, and results will soon be available on the DEQ's website. Additionally, the state will test every other school in the Flint Community Schools district, as well as any school or daycare in the city. Interested schools and daycare centers should contact George Krisztian at krisztiang@michigan.gov.

Homeowner and other customer-requested testing results
Results from the 381 samples from homes, businesses, schools and other facilities that took advantage of free water testing through the state showed similar, localized results. More than 75 percent of the samples analyzed demonstrated lead results of 5 parts per billion or less, and more than 91 percent demonstrated lead results of 15 parts per billion or less.

This data suggests that while some homes experience elevated lead level results due to lead service lines or in-home plumbing, many other homes experience little to no lead. This can make it difficult for homeowners and businesses to predict their lead exposure.

"Since it's not easy to predict if an individual home's water is at risk for lead, the best thing all residents can do is get their water tested," Krisztian said. "It's a free test that provides valuable information for families."

Testing is available for free by contacting the Flint Water Plant at 810-787-6537 and pressing 1, or by emailing flintwater@cityofflint.com.

For more information about water samples received through the state's free testing program, visit www.michigan.gov/flintwater.

How school sampling was conducted
To conduct this comprehensive sampling, the DEQ and Michigan Department of Licensing and Regulatory Affairs began on Oct. 23 with a thorough plumbing assessment of the school to gain a comprehensive understanding of how water moves through the building and what types of plumbing materials are used. The assessment also identified 31 faucets or fountains in the school that provide water for drinking, cooking and/or food preparation.

On Oct. 24, the DEQ and DLARA took four, 125-milliliter samples from each of the 31 identified faucets and fountains. The first two samples were taken immediately after turning on the faucet, followed by a 30-second flush and then the third sample, followed by a 2-minute flush and then the fourth sample. These samples provided information on the impact of any lead sources in or around each specific faucet and fountain as well as its connecting plumbing.

On Oct. 31, the DEQ and DLARA took an additional 30 samples, 10 each from three sites in the school. These 1-liter samples were taken consecutively, and provided information about the impact of any lead sources deep in the building's plumbing.

From: Brown, Jessica (GOV)
Sent: Monday, November 09, 2015 2:44 PM
To: Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>
Cc: Agen, Jarrod (GOV) <AgenJ@michigan.gov>
Subject: FW: Flint water school testing results - 3 PM

Saw Dave was on this but since he's on the road, thought you should definitely see as well. DEQ is planning to issue at 3 p.m.

This is the first I've seen a draft but Dave may have been looped in on the back end. Looks ok and pretty thorough to me. If you need help trying to track any background info down let me know. Happy to reach out.

From: Tommasulo, Karen (DEQ)
Sent: Monday, November 09, 2015 2:31 PM
To: Lasher, Geralyn (DHHS) <lasherg@michigan.gov>; Eisner, Jennifer (DHHS) <EisnerJ@michigan.gov>; Edgerton, Shelly (LARA) <EdgertonS1@michigan.gov>; Dykema, Linda D. (DHHS) <DykemaL@michigan.gov>; Wells, Eden (DHHS) <WellsE3@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>; Brown, Jessica (GOV) <BrownJ53@michigan.gov>; Wurfel, Brad (DEQ) <WurfelB@michigan.gov>; Feuerstein, Heather (DEQ) <FeuersteinH@michigan.gov>
Subject: School testing results

We're planning to put out this press release along with a video and the full results of the school and homeowner testing around 3 today. George Krisztian is taking calls.

Karen Tommasulo
Public Information Officer
Michigan Department of Environmental Quality
[redacted]
tommasulok@michigan.gov

Michigan Department of Environmental Quality
News Release

Nov. 9, 2015

For More Information:
George Krisztian, [redacted] krisztiang@michigan.gov

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components where high lead levels were detected," FCS Superintendent Bilal Tawwab said. "Once those fixes have been made, the DEQ has offered to provide additional testing of the water at Freeman Elementary to ensure the water from every sample is safe for our students. Flint Community Schools appreciates the efforts by the DEQ, working with all stakeholders to make sure our water continues to be tested and that our students have access to safe, clean drinking water."

For Freeman Elementary's complete sampling results and more information about how sampling was conducted, visit www.michigan.gov/flintwater.

The DEQ and the DLARA also have conducted sampling at other Flint schools, and results will soon be available on the DEQ's website. Additionally, the state will test every other school in the Flint Community Schools district, as well as any school or daycare in the city. Interested schools and daycare centers should contact George Krisztian at krisztiang@michigan.gov.

Homeowner and other customer-requested testing results
Results from the 381 samples from homes, businesses, schools and other facilities that took advantage of free water testing through the state showed similar, localized results. More than 75 percent of the samples analyzed demonstrated lead results of 5 parts per billion or less, and more than 91 percent demonstrated lead results of 15 parts per billion or less.

This data suggests that while some homes experience elevated lead level results due to lead service lines or in-home plumbing, many other homes experience little to no lead. This can make it difficult for homeowners and businesses to predict their lead exposure.

"Since it's not easy to predict if an individual home's water is at risk for lead, the best thing all residents can do is get their water tested," Krisztian said. "It's a free test that provides valuable information for families."

Testing is available for free by contacting the Flint Water Plant at 810-787-6537 and pressing 1, or by emailing flintwater@cityofflint.com.

For more information about water samples received through the state's free testing program, visit www.michigan.gov/flintwater.

How school sampling was conducted
To conduct this comprehensive sampling, the DEQ and Michigan Department of Licensing and Regulatory Affairs began on Oct. 23 with a thorough plumbing assessment of the school to gain a comprehensive understanding of how water moves through the building and what types of plumbing materials are used. The assessment also identified 31 faucets or fountains in the school that provide water for drinking, cooking and/or food preparation.

On Oct. 24, the DEQ and DLARA took four, 125-milliliter samples from each of the 31 identified faucets and fountains. The first two samples were taken immediately after turning on the faucet, followed by a 30-second flush and then the third sample, followed by a 2-minute flush and then the fourth sample. These samples provided information on the impact of any lead sources in or around each specific faucet and fountain as well as its connecting plumbing.

On Oct. 31, the DEQ and DLARA took an additional 30 samples, 10 each from three sites in the school. These 1-liter samples were taken consecutively, and provided information about the impact of any lead sources deep in the building's plumbing.

From: Murray, David (GOV)
Sent: Friday, December 11, 2015 2:58 PM
To: Snyder, Rick (GOV); Calley, Brian (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Posthumus, Dick (GOV); Redford, James (GOV); Baird, Richard (GOV); Hollins, Harvey (GOV); Mcbride, Bill (GOV); Holland, Meegan (GOV); Forstner, Nathaniel (GOV); Brownfield, Michael (GOV); Walsh, John (GOV)
Cc: Scott, Allison (GOV); Wisniewski, Wendy (GOV)
Subject: New release on blood lead level testing in Flint.

Good afternoon Governor and team,

Just wanted to give you a heads up about a release DHHS is issuing today with updated blood lead level testing. About 500 more people have been tested since the last release, and eight more people had elevated levels.

The format and information is similar to the previous release. DHHS plans to issue such updates every three weeks for the time being to show transparency, remind people that testing is available if they are concerned, and that free filters and replacement cartridges are available.

I've pasted the release below.

Have a nice weekend,

Dave

December 11, 2015

MDHHS releases latest round of Flint blood lead level data

LANSING, Mich. – The Michigan Department of Health and Human Services today issued its newest summary report on lead testing in Flint. According to preliminary data, 39 of 1,836 adults and children tested had elevated blood lead levels since Oct. 1.

"As testing continues, our focus remains on helping families reduce all potential exposures to lead," said Dr. Eden Wells, MDHHS chief medical executive. "We are working closely with the Genesee County Health Department to provide information and offer tools in the community, and encourage families to explore the resources that are available to them."

Both capillary and venous blood tests are included in the report, and people who have had multiple tests are counted only once. Tests and their results cover the time since the state action plan was put in place on Oct. 2, and capture the number of elevated blood lead levels greater than 5 micrograms per deciliter.

MDHHS is working closely with local partners to offer resources and distribute important lead testing and prevention information. Additional state funding has allowed for Genesee County Health Department (GCHD) nurses to work with families when an elevated blood lead level is detected. These families can also choose to have the nurse coordinate an environmental health investigation in their home to identify lead exposures, which could be lead from paint, soil, plumbing, and other sources.

To support these efforts, the state is coordinating with its Medicaid health plans and provider communities on enhanced screening and testing. In addition to mandated testing at ages one and two for the Medicaid population, MDHHS has recommended blood lead testing for any child younger than six years of age in Flint who has not previously been tested. The state, in coordination with GCHD, developed and issued a Health Alert Network (HAN) notification for local providers to help ensure consistent messaging and protocols among primary care providers.

Free water filters and replacement cartridges are still available to Flint residents. For a full list of locations and hours of distribution, or to view the full blood lead level report, visit www.michigan.gov/flintwater. The summary will be updated as more data becomes available.

To help residents properly install water filters, and to demonstrate how to replace the original when it expires, MDHHS has created an instructional video on its YouTube channel. For this and other updates, visit www.michigan.gov/flintwater.

# # #

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]mobile
Twitter:@michigandmurray

From: Clement, Elizabeth (GOV)
Sent: Thursday, December 17, 2015 12:25 PM
To: Wisniewski, Wendy (GOV)
Subject: Fwd: COS items

Sent from my iPhone

Begin forwarded message:

> **From:** "Snyder, Rick (GOV)" [redacted]
> **Date:** December 17, 2015 at 11:58:39 AM EST
> **To:** "Calley, Brian (GOV)" [redacted], "Agen, Jarrod (GOV)" <Agenj@michigan.gov>, "Clement, Elizabeth (GOV)" <clemente@michigan.gov>, "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>, "Scott, Allison (GOV)" <scotta12@michigan.gov>
> **Subject: COS items**
>
> Here are some COS items to cover:
>
> Overall project list, leads, delivery dates
>
> Bill to sign
>
> Budget
>
> Current priority projects:
>
> 1. [redacted]
> 2. Flint Water
> 3. [redacted]
> 4.
> 5.
> 6.
> 7.
> 8.

[redacted]

[redacted]

Thanks
Rick

Subject: RDS/JA/EC/RB - Conference Call Re: Flint
Location: By Phone

Start: Tue 12/29/2015 10:30 AM
End: Tue 12/29/2015 11:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: GovCalendar
Required Attendees: Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Baird, Richard (GOV); Wisniewski, Wendy (GOV)

Per JA

[redacted]

Host: [redacted] JA to dial in as host

From: Clement, Elizabeth (GOV)
Sent: Tuesday, December 29, 2015 1:50 PM
To: Wisniewski, Wendy (GOV)
Subject: Fwd: Here's executive staff memo

Sent from my iPad

Begin forwarded message:

> **From:** "Holland, Meegan (GOV)" <HollandM2@michigan.gov>
> **Date:** December 29, 2015 at 1:44:44 PM EST
> **To:** "Clement, Elizabeth (GOV)" <clemente@michigan.gov>
> **Subject: Here's executive staff memo**
>
> Feel free to send this out asap. – Meegan
>
> Team,
>
> As you are aware, we have been working closely with the independent task force that has been reviewing state, local and federal actions regarding the serious health issues related to water in Flint.
>
> Although the task force's final report is not yet complete, members have made the Governor aware of some interim findings, and there are interim steps the Governor has decided to take immediately in order to restore trust in how we in state government keep residents safe and informed.
>
> As part of this process, Dan Wyant, director of the Department of Environmental Quality, has offered his resignation, and Governor has reluctantly decided to accept it. There are likely to be other personnel changes in MDEQ as well.
>
> I want to thank Dan for his service. He has been the DEQ director since the start of the administration, and previously headed the Agriculture Department under both Gov. Engler and Gov. Granholm. He is passionate about public service and protecting our state's environment.
>
> The situation in Flint is serious and challenging. We will continue work closely with the task force and city leaders as we move forward, committed to protecting the health of people living in Flint and around our state.
>
> Sincerely,
>
> Jarrod Agen
>
> Meegan Holland
> Director of Communications for Gov. Rick Snyder
> Office: 517-335-6397
> [redacted]

Twitter: @meholland

From: Wisniewski, Wendy (GOV) on behalf of Agen, Jarrod (GOV)
Sent: Tuesday, December 29, 2015 2:06 PM
To: Abednego, Jaime (DTMB); Allan, Jon (DEQ); Arbulu, Agustin (MDCR); Arwood, Steve (MEDC); Barnes, Jeff (DMVA); Behen, David (DTMB); Bowen, Scott (MSL); Brader, Valerie (LARA); Brown, Diane (MGCB); Burton, Diane (LARA); Carefoot, Karen (MDE); Clover Adams, Jamie (MDARD); Comai, Stephanie (TIA); Creagh, Keith (DNR); Crockett, Tracy (MSHDA); Deloney, Andrew (LARA); Donnan, Chanda (DTMB); Doyle, Maureen (Treasury); Dungey, Cecilia (TIA); Elsenheimer, Kevin (MSHDA); Etue, Kriste (MSP); Evans, Amiee (MEDC); General Gregory J. Vadnais (gregory.j.vadnais.mil@mail.mil); Grijalva, Nancy (DHHS); Hill, Nancy (DIFS); Isaacs, Carol (AG); Kalm, Rick (MGCB); Khouri, Nick (TREASURY); King, Rebecca (MCSC); Klotz, Josephine (MSP); Lyon, Nick (DHHS); 'Mason, Dace (DMVA)'; McDermott, Cristina (MSL); McPharlin, Pat (DIFS); Minix, Connie (DTMB); Quackenbush, John (LARA); Roberts, John (DTMB); Sanford, Shawn (MDCR); Sebenick, Pam (MDOT); Sederburg, Kari (DHHS); Senyko, Mike (MDOS); Simon, Sandy C. (MDOC); Smith, Brenda (MDARD); Steudle, Kirk (MDOT); Sworden, Julie (DMVA); Teszlewicz, Barbara (AG); Thelen, Mary Beth (DEQ); Tkaczyk, Judy (DNR); Vaughn, Kari (DEQ); Waalkes, Marie (DTMB); Washington, Heidi E. (MDOC); West, Samantha (LARA); Whiston, Brian (MDE); Winters, Jan (MCSC); Zimmer, Mike (LARA)
Cc: Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Murray, David (GOV); Holland, Meegan (GOV); Wisniewski, Wendy (GOV)
Subject: Changes in Administration

Team,

As you are aware, we have been working closely with the independent task force that has been reviewing state, local and federal actions regarding the serious health issues related to water in Flint.

Although the task force's final report is not yet complete, members have made the Governor aware of some interim findings, and there are interim steps the Governor has decided to take immediately in order to restore trust in how we in state government keep residents safe and informed.

As part of this process, Dan Wyant, director of the Department of Environmental Quality, has offered his resignation, and Governor has reluctantly decided to accept it. There are likely to be other personnel changes in MDEQ as well.

I want to thank Dan for his service. He has been the DEQ director since the start of the administration, and previously headed the Agriculture Department under both Gov. Engler and Gov. Granholm. He is passionate about public service and protecting our state's environment.

The situation in Flint is serious and challenging. We will continue to work closely with the task force and city leaders as we move forward, committed to protecting the health of people living in Flint and around our state.

Sincerely,

Jarrod Agen

From: Agen, Jarrod (GOV)
Sent: Tuesday, December 29, 2015 3:04 PM
To: Wisniewski, Wendy (GOV)
Subject: Re: Last time's senior staff agenda

Here's my thoughts.
Beth should add or change as she wants...

[redacted]

2) Flint (Baird)

[redacted]

On Dec 29, 2015, at 1:23 PM, Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov> wrote:

[redacted]

4) Flint (Hollins)

[redacted]

Wendy Wisniewski
Executive Assistant to Dennis Muchmore
Jarrod Agen and Beth Clement
Executive Office of Governor Rick Snyder
George W. Romney Building, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5601
WisniewskiW@michigan.gov

Subject:	Meeting with Sen. Ananich/ Rich Baird/Beth Clement re: Meet and Greet/ Flint Water
Location:	105 Capitol Building
Start:	Wed 1/13/2016 3:30 PM
End:	Wed 1/13/2016 4:00 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Baird, Richard (GOV)
Required Attendees:	Baird, Richard (GOV); Clement, Elizabeth (GOV); Wisniewski, Wendy (GOV)

Location: 105 Capitol Building

Subject:	Meeting with Sen. Ananich/ Rich Baird/Beth Clement re: Meet and Greet/ Flint Water
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Start:	Wed 1/13/2016 3:30 PM
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Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Baird, Richard (GOV)
Required Attendees:	Baird, Richard (GOV); Clement, Elizabeth (GOV); Wisniewski, Wendy (GOV)

Location: 105 Capitol Building

From:	Thelen, Mary Beth (DEQ)
Sent:	Wednesday, October 01, 2014 11:19 AM
To:	Scott, Allison (GOV); Muchmore, Dennis (GOV); Brader, Valerie (GOV)
Cc:	Wurfel, Brad (DEQ); Wyant, Dan (DEQ); Datema, Maggie (DEQ); Sygo, Jim (DEQ); Wisniewski, Wendy (GOV); West, Samantha (GOV)
Subject:	CITY OF FLINT DRINKING WATER, GOVERNOR'S OFFICE BRIEFING PAPER
Attachments:	Governor Briefing - City of Flint 10-1-14.docx; Governor Briefing - City of Flint 10-1-14.pdf; Flint Monthly Pumpage Comparison.pdf; ODWMA-399-022.pdf
Importance:	High

Dear Governor, Dennis, and Val:

Per your request, the attached briefing paper is on the City of Flint drinking water situation. Director Dan Wyant has asked that I send this to you. A Word version as well as a pdf version is attached. We have also included a copy of the policy ODWMA-399-022 which specifically provides guidance regarding boil water advisory situations, and a chart showing the significant increase in the City of Flint's water demands following the extreme conditions experienced this past winter.

Allison, please forward to the Governor. Thank you.

If you have any questions or need further information, please let us know. Thank you.

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant
Department of Environmental Quality
Constitution Hall, 6th Floor South
Phone: 517-284-6712 or [redacted]
Fax: 517-241-7401
Thelenm2@michigan.gov

Attachments

DEPARTMENT OF ENVIRONMENTAL QUALITY

GOVERNOR'S OFFICE BRIEFING PAPER
CITY OF FLINT DRINKING WATER

What contributed to the Boil Water Advisories in the city of Flint?

A number of factors, not one specific cause, likely contributed to the Boil Water Advisories (BWAs) in the city of Flint during August and September 2014. While use of the Flint River has increased the amount of natural organic matter in the city's water, the Flint Water Treatment Plant (WTP) has performed well above treatment requirements for organic carbon removal. In addition, less than 20 percent of the water system was included in the advisory area. If treatment had been compromised, detections would have been widespread throughout the city, rather than in such a localized area.

The city's water distribution system has suffered from a lack of infrastructure investment and asset management. Most of the city's over 550 miles of water mains are now over 75 years old and constructed of cast iron piping. Cast iron pipe is subject to internal corrosion, called tuberculation, which causes buildup on the pipe interior, leading to water quality issues, reduced flow and pressures, and leakage. Tuberculation also encourages the development of biofilms, layers of bacteria that attach to the interior pipe wall. Biofilm growth is common in areas of piping with little or no disinfectant residual, and together with tuberculation can clog water lines to the point of insufficient water pressure.

The city has also experienced decades of a declining user base and water use associated with vacant homes, commercial businesses, and industrial property. Declining water use leads to excess residence time within the city's distribution pipes and water storage facilities, accelerating tuberculation, biofilm growth, and disinfectant residual degradation. While the city has recently seen an infusion of funding for blight removal, contractors completing this work have been improperly using fire hydrants, causing hydraulic disturbances that dislodged and suspended settled debris, which may have contributed to the bacterial contamination.

The winter of 2014 was also one of the coldest experienced by the water system. The city, which historically has unaccounted water losses of over 30 percent, has seen even greater losses since February 2014 due to an increase in cold weather-related water main breaks and leaks. The city lacks a formal maintenance program for its over 7,250 valves, which would normally be used to limit impacts during break repairs. Two valves on the transmission line used to supply the area of the BWAs were found to be closed during the city's investigation, causing longer residence time, reduced disinfectant residual, reduced flow, and reduced pressure. One of these valves has remained broken.

The BWAs also occurred during the warmest and, for 2014, relatively wet periods of August and September. Warm weather conditions are not only more conducive to bacterial growth but also degrade the water's disinfectant residual carried out from the WTP more quickly. Longer residence times, biofilms, and tuberculation also contribute to disinfectant residual degradation. Warm wet weather conditions also allow water contaminated with bacteria to pool around piping with leaks and breaks.

Process for Issuance and Cancelation of a Boil Water Advisory

There are a number of conditions that can trigger BWAs. This includes the following:

- Bacteria Monitoring Detections
- Bacteria Standards Violations
- Treatment System Failures
- Waterborne Disease Outbreaks
- Loss of System Pressure
- Water Main Breaks
- Other Interruptions in Service

The Department of Environmental Quality (DEQ) has developed a policy and procedure regarding BWAs to help guide staff, provide consistency, and maintain public health. A PDF of Policy and Procedure No. ODWMA-399-022 is being forwarded with this briefing paper.

BWAs may be self-initiated by the water system, issued collaboratively in consultation with the DEQ, or when necessary mandated by the DEQ. Requesting customers to boil the water when bacterial contamination has occurred provides an added barrier of public health protection.

The BWAs that recently occurred in the city of Flint were associated with bacteria monitoring detections and violations of bacteria standards. These advisories were issued by the city of Flint collaboratively in consultation with the DEQ.

Current regulations regarding monitoring and standards for bacteria in water distribution systems were developed by the U.S. Environmental Protection Agency, have been in effect since 1990, and were incorporated into the Michigan Safe Drinking Water Act, 1976 PA 399, as amended. There are a variety of bacteria, parasites, and viruses that can potentially cause health problems if humans ingest them in drinking water. Testing water for each of these potential pathogens would be difficult and expensive. Instead, water systems test for total coliform and *E.coli*. Total coliform bacteria react to water treatment in a manner similar to many pathogens. Therefore, the presence of total coliform in drinking water indicates there may be a pathway for pathogens or other contaminants to enter the system. The absence of total coliforms in the distribution system minimizes the likelihood that pathogens are present. *E.coli* is itself a pathogen, and its detection would be direct evidence of a health risk.

Once a BWA has been issued, time is needed to investigate potential causes and implement corrective measures. The larger the water system, the more time this may take. Once corrective measures have been taken, samples must be collected and

analyzed to confirm that bacteria are no longer present. Using the most common analytical method, samples must be incubated for a period of 24 hours before results can be obtained. In situations where the bacterial contamination has been confirmed, two consecutive rounds of safe samples collected at least 24 hours apart are normally obtained before canceling a BWA. Adding each of these steps together, a normal response period to cancel a BWA under these circumstances would be expected to take at least 3 to 4 days.

Recent History of the City of Flint Water System

Historically, the city of Flint had been a customer of the Detroit Water and Sewerage Department (DWSD) while simultaneously maintaining the Flint WTP to provide emergency backup service using the Flint River. The WTP performed quarterly test operations to maintain readiness and was utilized twice in 2009, supplying water once for 2 days and the other for 3 days.

In April 2013 the city of Flint notified the DWSD that it would be terminating service in the future and contracting for raw water service from the Karegnondi Water Authority (KWA). Work on the KWA pipeline from Lake Huron broke ground in June 2013 and is expected to be completed with connection in late 2016.

In August 2013 Rowe Professional Services Company completed an engineering proposal for improvements to the Flint WTP that would allow continuous operation of the WTP utilizing the Flint River in lieu of continuing service from the DWSD until completion of the KWA pipeline. In March 2014 the city of Flint entered into a Consent Agreement with the DEQ regarding the Flint WTP's lime sludge facility. In April 2014 the DEQ issued a construction permit for improvements to the Flint WTP. On April 25, 2014, the city of Flint began continuous operation of the WTP, using water from the Flint River and discontinued the purchase of water from the DWSD.

A BWA was issued for August 15-20, 2014, for a portion of the city of Flint due to localized detections of total coliform and *E.coli* bacteria. Another BWA was issued for September 5-9, 2014, due to localized detections of total coliform bacteria in the same and adjacent portions of the city of Flint. The advisory covered an area of approximately six square miles. The city of Flint has a total land area of just over 34 square miles.

While many of the BWA contributing factors listed above require long-term solutions, the city has taken operational steps to limit the potential for a BWA to reoccur. The city has increased flushing of water mains to limit residence time, maintain disinfectant residual, and help remove buildup and deposits within the piping. The city is boosting chlorine disinfectant residual at locations in the distribution system as needed. The city continues to investigate water leaks and water main breaks and the status and condition of system valves.

Prepared by: Stephen Busch, P.E.
Lansing and Jackson District Supervisor
Office of Drinking Water and Municipal Assistance
Department of Environmental Quality
October 1, 2014

DEPARTMENT OF ENVIRONMENTAL QUALITY

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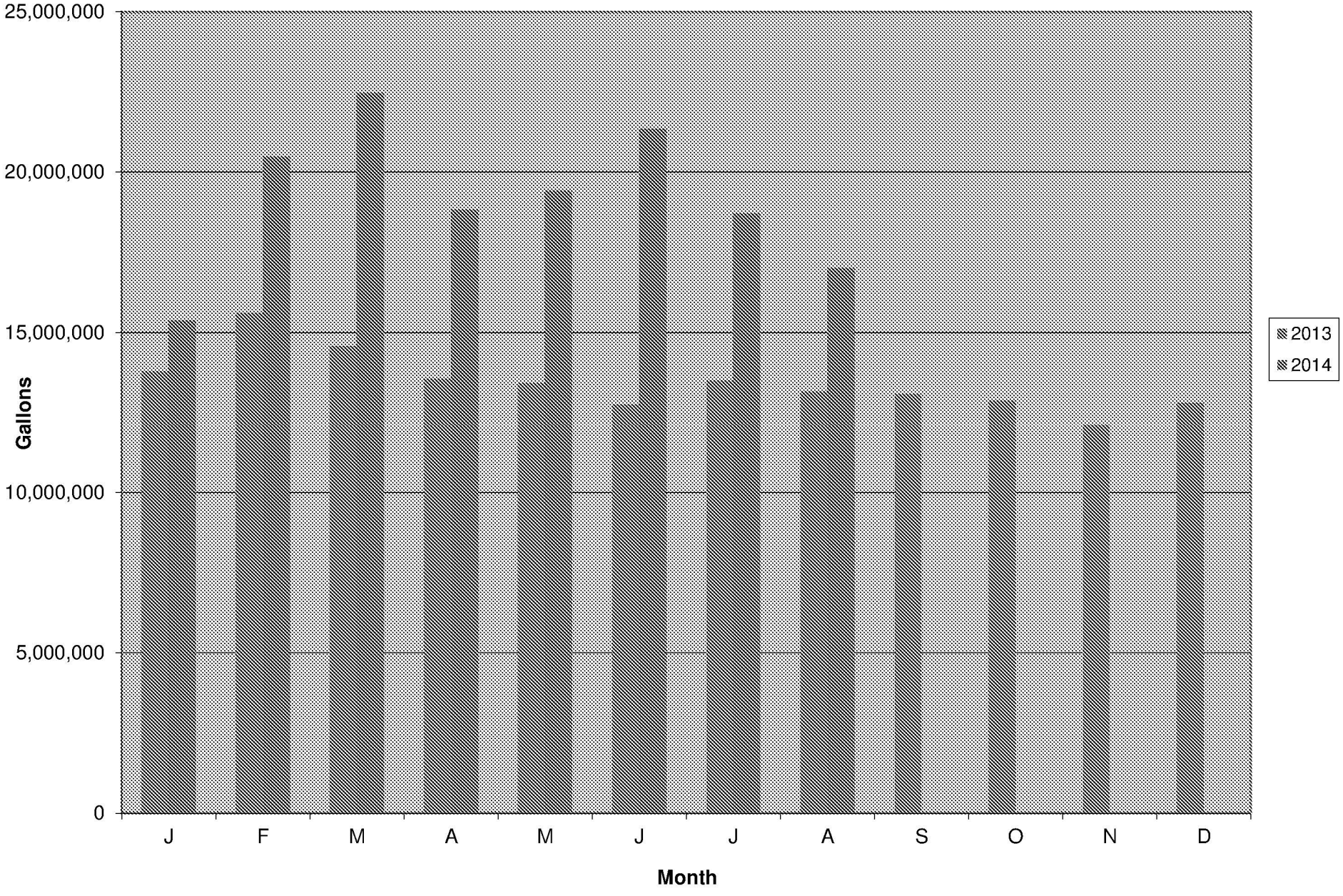
Prepared by: Stephen Busch, P.E.
Lansing and Jackson District Supervisor
Office of Drinking Water and Municipal Assistance
Department of Environmental Quality
October 1, 2014

City of Flint Monthly Averages



DEQ	OFFICE OF DRINKING WATER AND MUNICIPAL ASSISTANCE POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: October 12, 2007 **Revised Date:** **Reformatted Date:** January 24, 2013	**Subject:** Guidelines for Issuing Boil Water Advisories to Address Potential Microbial Contamination of Community Water Supplies **Division/Office and Program Names:** ODWMA-Public Water System Supervision Program	**Number:** ODWMA-399-022 Page: 1 of 10	**Category:** ☐ Internal/Administrative ☐ External/Noninterpretive ☒ External/Interpretive

A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

INTRODUCTION, PURPOSE, OR ISSUE:

Community water systems are expected to provide customers with a continuous supply of water that meets both federal and state drinking water standards. However, there may be circumstances when the public must be notified that the water may not be safe. In these circumstances, a boil water advisory may be issued to prevent illness from known or suspected microbiological contamination. This policy is to provide guidance to Office of Drinking Water and Municipal Assistance (ODWMA) drinking water program staff on advising community water system personnel when to issue and rescind a boil water advisory, the appropriate content, and the manner and method of delivery.

AUTHORITY:

Administrative rule R 325.10401a promulgated under the Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), being Michigan Compiled Law 325.1001 *et seq.*, requires public notification for violations of maximum contaminant levels and treatment techniques plus other situations as determined by the DEQ. Each public notice is required to state what actions consumers should take during a violation, which may include a statement recommending water customers boil all water used for consumption until further notice.

In addition, R 325.11207 allows the DEQ to require the supplier of water to provide notice to customers or users that include any precautionary measures deemed necessary when an interruption in water service occurs, which could include low, zero, or negative pressure events.

Furthermore, R 325.12303 requires a supplier of water to include in their contingency planning a description of precautions or measures to be taken to protect the health of those customers or users that may be affected by an emergency. R 325.12304 also requires a supplier of water to notify the DEQ when an emergency is discovered and how the supply will notify its customers or users. While the content of this notification to customers or users may vary depending upon individual circumstances, each notification to customers or users must state what actions or precautions they should take, which may include a statement to boil all water used for consumption until further notice.

STAKEHOLDER INVOLVEMENT:

DEQ staff met with Municipal Utilities Directors to seek input on issues that were subsequently addressed in this policy and procedure.

DEFINITIONS:

"Boil Water Advisory (BWA)" – A written or verbal advisory issued by the community water system or DEQ notifying the users of the water system that the water is or may be contaminated and advising them to boil the water prior to using it for drinking or cooking.

"Community Water Supply (CWS)" – A public water supply (PWS) that provides year-round service to not fewer than 15 living units, or that regularly provides year-round service to not fewer than 25 residents. Examples include municipalities, such as cities, villages, and townships; apartment complexes; manufactured housing communities; condominiums; and nursing homes.

"Complete Loss of Pressure" – Sustained negative pressures or pressure below five psi in any portion of a distribution system. It does not include instantaneous low or negative pressure occurring from pressure surges caused by pump cycling, valve operation, or other water hammer events.

"Maximum Contaminant Level (MCL)" – The maximum permissible level of a contaminant in water that is delivered to any user of a PWS.

"Repeat Sample" – A sample that is collected and analyzed in response to a previous coliform-positive sample.

"Routine Sample" – A water sample that is collected and analyzed to meet the monitoring requirements for total coliform, as outlined in the written sampling plan.

"Tier 1 Public Notice" – A public notice required to be provided as soon as practical but not later than 24 hours after the supplier learns of a violation or situation that has significant potential to have serious adverse effects on human health as a result of short-term exposure. A Tier 1 Public Notice also requires the supplier to initiate consultation with the DEQ as soon as practical but not later than 24 hours after the supplier learns of the violation or situation. Examples of these violations or situations include:

1. A violation of the Total Coliform MCL when fecal or *E.coli* are present in the distribution system;
2. A violation of the treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit;
3. An occurrence of a waterborne disease outbreak;
4. A failure or significant interruption in key water treatment processes;
5. A disruption of the water supply or distribution system; and

6. Other violations or situations as determined by the DEQ on a case-by-case basis. A violation or situation that requires a Tier 1 Public Notice also requires the supplier to consult with the DEQ to determine additional public notice requirements, including the timing, form, manner, frequency and content of the notice designed to reach all persons served, and any repeat notices or directions. At a minimum, one or more of the following forms of delivery must be used:
   a. Appropriate broadcast media:
   b. Posting of the notice in conspicuous locations throughout the area served by the system;
   c. Hand delivery of the notice to persons served by the system; or
   d. Another delivery method approved by the DEQ.

Within 10 days of completing the Tier 1 Public Notice, the supplier shall submit to the DEQ a certification that it fully complied with the public notification requirements, including a representative copy of the type of notice distributed to persons served by the system and to the media.

"Tier 2 Public Notice" – A public notice required to be provided as soon as practical but not later than 30 days after the supplier learns of a violation or situation that has the potential to have serious adverse effects on human health. Examples of these violations or situations include:
1. All violations of MCL, maximum residual disinfectant level, and treatment technique requirements except where the DEQ determines a Tier 1 notice is required.
2. Violations of monitoring and testing procedure requirements, taking into account potential health impacts and persistence of the violation; and
3. Failure to comply with a variance or exemption.

For a Tier 2 Public Notice, the DEQ may, on a case-by-case basis, grant extensions in writing for up to three months from the date the supplier learns of the violation or situation, for reasons such as coordinating with billing cycles or if the violation or situation was quickly resolved and no longer poses any risk to the persons served. A Tier 2 Public Notice shall be repeated every three months as long as the violation or situation exists. A Tier 2 Public Notice and any repeat notices shall be in a form and issued in a manner that is reasonably calculated to reach persons served in the required time period. At a minimum, the notice shall be provided:
1. By mail or direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the supplier, and
2. By other methods reasonably calculated to reach other persons not receiving a bill, such as apartment dwellers, university students, nursing home patients and prison inmates. Other methods may include:
   a. Publication in a local newspaper
   b. Delivery of multiple copies to apartment complexes and manufactured housing communities
   c. Posting in public places or on the Internet
   d. Delivery to community organizations

"Treatment Technique (TT)" – Minimum treatment requirement or a necessary methodology or technology that is employed by a supplier of water for the control of the chemical, physical, biological, or radiological characteristics of a PWS.

POLICY:

A BWA may be issued for a variety of reasons when microbial contamination is known or suspected. Total Coliform Rule (TCR) MCL violations, surface water TT violations, low or loss of pressure events, and waterborne disease outbreaks are circumstances when a BWA may be issued. Each of these situations is discussed in detail below. However, these situations are not the only times a BWA can or should be issued. Each incident must be handled on a case-by-case basis, using professional judgment to evaluate the circumstances in each situation.

Finally, there may be situations when water systems experience contamination that is not microbial, but chemical due to a chemical spill or backflow due to a cross connection. In these cases, a notice to customers could include "Do Not Use" language since boiling the water may not remove the contamination.

Types of Incidents:

1. Violation of a Drinking Water Standard

    a. TCR MCL Violations

    An acute TCR MCL violation occurs when monitoring indicates the presence of coliform organisms in both a routine and a follow-up repeat sample in the same monitoring period, and either analysis (routine or repeat) is also positive for fecal or *E.coli.* Because this MCL violation confirms the presence of a more direct connection to contamination, these violations warrant issuance of a BWA, unless there are unique circumstances.

    A non-acute TCR MCL violation occurs when monitoring indicates the presence of coliform bacteria in 2 or more samples in the same monitoring period for a supplier collecting less than 40 samples per month, or in more than 5 percent of the samples for a supplier collecting 40 or more samples per month, and the criteria for an acute violation did not occur, i.e., fecal coliform or *E.coli* were NOT detected present in either a routine or repeat sample. For example, a system that collects 5 samples per week for a total of 20 per month may have 1 sample report positive for total coliform or fecal/*E.coli* during the first week, but all repeat samples report negative for coliform. If another sample in a subsequent week also reports total or fecal/E.coli positive, but again, all repeat samples are coliform-negative, then a non-acute TCR MCL violation has occurred because 2 or more samples reported positive for coliform, but no fecal coliform or *E.coli* were detected in both a routine and a repeat sample.

When a non-acute violation occurs, staff should evaluate possible sources of contamination. If a source is identified that is considered likely to contribute disease causing organisms or result in water of questionable quality still being distributed, a BWA should be instituted. Examples of contaminant sources that would elevate the public health risk include, but are not limited to:

- flooding of the wells
- failure of the treatment system
- recent construction activity in the distribution system
- vermin (birds, rodents, etc.) activity in storage tanks
- system-wide or extensive pressure loss in the distribution system

Even if the source of contamination is not easily identified, a BWA may be appropriate for a non-acute TCR violation if the violation is widespread or ongoing. A BWA shall be instituted if monitoring indicates *E. coli* or fecal coliform contamination unless unusual circumstances warrant consideration, such as the absence of any coliform in repeat samples, or when staff are assured that the contamination has been eliminated before confirmation results are available.

However, not every TCR MCL violation must result in a BWA. There may be a few exceptions when there is a TCR MCL violation but a BWA is not needed. For example, a violation may be declared in situations where samples collected on different days from widely dispersed locations report coliform present even though repeat samples do not show positive results. In this case, the sampling results may constitute a MCL violation, but a BWA may not be necessary.

If a BWA is deemed necessary by the ODWMA, it should be issued as soon as possible but no later than 24 hours after the system learns of the violation. Because violation of an MCL results in required public notification (PN) per the PN Rule, the water supply may issue the PN and BWA simultaneously in one document (highly recommended) and must meet all the requirements of a Tier 1 PN and include BWA language.

After measures have been taken to eliminate the source(s) of contamination, such as initiating or increasing chlorine feed rates and system flushing, additional sampling must be conducted. Raw water bacteriological sampling is also encouraged to eliminate the raw water as the possible source of contamination. For MCL violations, the BWA can be rescinded after the analyses of two sets of samples collected 24 hours apart report the absence of coliform bacteria. The number of samples in each set should be a minimum of five samples, but can be decreased or increased based on system size or the extent of the affected area. Systems are encouraged to use routine sample sites if available and to use extra care if routine sites are not available.

b. Surface Water Treatment Rule (SWTR) TT Violations

SWTR TT violations include:

- exceedance of turbidity standards at filter confluence point
- failure to meet disinfection contact time requirements (C*T)
- failure to meet disinfection residual standards

Upon determination of an SWTR TT violation, ODWMA staff must determine if the violation poses a threat to public health. For example, if the turbidity levels at the filter confluence point were found to have exceeded 0.3 nephlometric turbidity units (NTUs) in 95 percent of the samples in a two-month period, an SWTR TT violation has occurred. Based upon a review of plant performance and consultation with program managers, staff may determine that no significant health risk was posed and no BWA is necessary. However, the water supply must still issue a Tier 2 PN within 30 days of the violation. On the other hand, a BWA is likely to be necessary for a treatment plant that gets overwhelmed by excessive runoff and reports a turbidity level in excess of 1.0 NTU at the filter confluence point for a four-hour period.

If the TT violation is ongoing or prolonged, or the ODWMA determines a significant public health risk is posed, ODWMA staff may elevate the PN to Tier 1 status, which must be issued within 24 hours and include BWA language. After appropriate measures have been taken to reduce or eliminate any health risk, additional monitoring must be conducted. Appropriate measures may include increasing coagulant dose, increasing chlorine residuals through the treatment plant, backwashing filters more often and flushing key system components. In this case, a BWA can be rescinded after analyses of two sets of samples collected 24 hours apart report the absence of coliform bacteria. The number of samples in each set should be a minimum of five samples, but can be decreased or increased based on type and severity of the TT violation.

Surface water plants utilizing conventional or direct filtration must add a primary coagulant under R 325.11008. Failure to add a primary coagulant is a violation of Act 399, and may also contribute to a TT violation under R 325.10611 (Filtration and Disinfection) which requires 3-log inactivation of giardia and 4-log inactivation of viruses. In these cases, ODWMA staff will have to determine if the violation poses a threat to public health and whether other actions are necessary, such as requiring a BWA. Factors to consider if a BWA is necessary would include chlorine residual concentrations throughout the treatment plant, raw water quality, C*T compliance, plus individual filter effluent and combined filter effluent turbidity levels.

2. Waterborne Disease Outbreaks

Waterborne disease outbreaks can be declared by the Centers for Disease Control and Prevention, the Department of Community Health, a local health department, or other public

health institutions. If an outbreak is declared, the ODWMA will work with the declaring agency to ensure affected community public water supplies take appropriate measures to mitigate public exposure. These measures will include appropriate public notification, including instructions to boil water if appropriate. The ODWMA will allow the water supply to rescind the notification when the agency declaring the outbreak indicates it is safe to do so as the result of additional monitoring.

3. Interruptions in Service

   a. Negative or Complete Loss of Pressure

      A complete loss of pressure or negative pressure in the distribution system must result in a BWA being issued to all water customers in the impacted area. After pressure is restored and the system recovers (tanks are filling and enough sources are operating to ensure pressures do not drop again), the affected area should be thoroughly flushed and coliform samples must be taken throughout the area to determine if the distribution system remains free of coliform contamination. The number of samples will vary depending on the size of the system and the extent of the area impacted. For very small systems that experience a power failure that results in a complete loss of pressure throughout the distribution system, a minimum of three samples should be collected. If applicable, chlorine residual measurements should be taken to ensure that an adequate disinfectant residual is present. If possible, chlorine dosages and residuals should be increased by 1 to 2 parts per million during this period as a corrective and preventive measure. If the first round of sampling does not detect coliform bacteria, the advisory may be rescinded. However, if the first round of sampling detects coliform bacteria, additional flushing should be conducted in the area where the positive coliform samples were collected and a second round of coliform samples collected from the area. The BWA should remain in effect until safe coliform sample results are obtained.

   b. Low Pressure Events

      Low pressure events might not result in a BWA. Low pressure is considered a drop in pressure below 20 psi but greater than 5 psi. A drop in water pressure in a distribution system could allow contamination to enter the water system through backflow by backpressure or backsiphonage. The decision to issue a BWA should be made on a case-by-case basis and be based upon professional judgment of all available data that may indicate the extent of the problem, such as:

      - Geographical extent of the pressure loss
      - Nature of the service area (residential vs. commercial/industrial)
      - Duration of the low pressure condition
      - Disinfection practices of the water system
      - Relative elevation differences in the service area
      - Status of the local cross connection control program

- Age and condition of the underground piping
- Amount of underground piping located in areas of a high groundwater table
- Ability and willingness of the operators to rapidly apply chlorine to the system or distribute an increased chlorine residual throughout the affected area

After normal pressure is restored, the impacted area should be thoroughly flushed and coliform samples taken throughout the area to determine if the distribution system is free of any bacteriological contamination. The collection of coliform samples after low pressure events is not absolutely required, but may be recommended based on the factors above.

c. Water Main Breaks or Repairs

A BWA may be issued during water main breaks and after the break has been repaired. Whether or not to issue a BWA will depend on the location and severity of the break and, more importantly, a decision based on sound engineering judgment that the integrity of the water system has been maintained. If at all possible, repairs should be performed under reduced or low pressure by closing the closest valves on each side of the break just enough to reduce the flow so the repairs can be made under pressure while the water flowing from the break is diverted away from the excavation to maintain clean sanitary conditions. If the water main can be repaired under pressure, and no nonpotable water, soil, or other potential contaminants entered the main during the break and repair process, then a BWA is not necessary. If the water main that was removed from service is flushed, disinfected, and sampled in accordance with AWWA Standard C651 before being placed back into service, a BWA does not need to be issued.

If a water main break results in a complete loss of pressure before, during, or after the repair is made, a BWA must be issued to all customers in the affected area. The BWA should remain in effect until the area is flushed, chlorine residuals are reestablished (if applicable), and sample results do not detect coliform bacteria.

Content and Delivery of a BWA

If the ODWMA determines a BWA is necessary, the water supply must issue the advisory as soon as practical, but not later than 24 hours after being advised to do so. The supply must make a good faith attempt to notify all customers in the affected area. Appropriate methods of distribution are situation specific, but may include radio or television broadcasts, hand delivery, and/or posting in conspicuous locations throughout the area. Delivery requirements as detailed in the PN Rule should be used to determine appropriate delivery methods.

Although there are content requirements for public notification under the PN Rule, there are no requirements specific to boil water language. To ensure all appropriate information is transmitted to the customers, a BWA should include the same content elements as required for

public notification under the PN Rule. If a BWA is issued as the result of an MCL violation and the water supply issues the BWA in conjunction with the required PN (highly recommended), the content MUST meet all PN Rule content, delivery, and reporting requirements.

The ODWMA boil water language is consistent with the U.S. Environmental Protection Agency policy that requires water be brought to a boil and allowed to boil for one minute before use. The language also suggests the use of bottled water as an alternative to boiling and describes the circumstances under which boiled or bottled water should be used.

Staff should notify the appropriate local health department and the Department of Agriculture and Rural Development, Food and Dairy Division, whenever a BWA is issued or rescinded. These agencies may receive calls from concerned customers or be involved in oversight of facilities impacted by the boil advisory and, therefore, need to be aware of the situation.

Several BWA templates have been created and are available to ODWMA staff on the DEQ Intranet. To ensure consistency and inclusion of all necessary content, these templates should be used as the basis for PNs and/or a BWA. Available templates include, but are not limited to:

- Advisory for a TCR MCL.
- Advisory for a low/no pressure event.
- Notification for cancellation of a BWA.

PROCEDURES:

WHO	DOES WHAT
Public Water Supply	Notify DEQ of results in a timely manner as required by law and follow through with appropriate actions.
District Staff	Respond to all TCR and TT violations plus complete loss of pressure events in a timely manner and determine whether a BWA needs to be issued. • If needed, assist supply in drafting BWA and determining most appropriate method of delivery with approval from the District Supervisor. • If needed, assist the supply in determining actions to remove the possible contamination including steps needed to rescind the BWA.
District Staff	Provide on-site technical assistance for acute TCR MCL violations and other boil water situations as appropriate.
District Supervisors	Assist District Staff in the all matters pertaining to issuing a BWA.

REFERENCES:

Safe Drinking Water Act, 1976 PA 399, as amended, being Michigan Compiled Law 325.1001 *et seq.*, and the administrative rules promulgated thereunder, being R 325.10101 *et seq.* of the Michigan Administrative Code.

OFFICE CHIEF APPROVAL:

Liane J. Shekter Smith, P.E., Chief
Office of Drinking Water and Municipal Assistance

1/18/2013
Date

DEPUTY DIRECTOR APPROVAL:

Jim Sygo, Deputy Director

1/24/2013
Date

From: Eric Rothstein <erothste@grg-ltd.com>
Sent: Saturday, November 07, 2015 7:26 AM
To: Agen, Jarrod (GOV); Wisniewski, Wendy (GOV); Matthew M. Davis; Murray, David (GOV); Wyant, Dan (DEQ); Anderson, Madhu (DEQ); Chris Kolb; Ken Sikkema; Kennedy, Jordan (GOV); Thelen, Mary Beth (DEQ); Copen, Leigh (DEQ); Grijalva, Nancy (DHHS); Baird, Richard (GOV); VanSickle, Michele (GOV); Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Hollins, Harvey (GOV); Laurence Reynolds; Deborah Higgins
Subject: Governor's Flint Water Advisory Task Force - Logistics Update

Ladies and Gentlemen,

This is to provide a brief update on some of the arrangements that we are making to conduct the work of the Governor's Flint Water Advisory Task Force (FWATF):

- To simplify communications among task force members, the Task Force has decided to close the Basecamp project that was initially set up for the entirety of the roster provided earlier. The Basecamp project for the FWATF will be maintained for task force members. Accordingly, to archive documents for the FWATF's review and consideration, please e-mail to me (erothste@grg-ltd.com) or any one of the FWATF members and we will arrange for posting to Basecamp. If you have large documents or a large number of documents, please contact me and we can arrange for posting to Dropbox.
    - (This is why the project has not been accessible in the event that you have tried to load documents)
- I thought it might be helpful for the FWATF to develop a brief status report on our activities — interviews and meetings conducted and scheduled, documents collected, etc. - perhaps on a bi-weekly or even weekly basis. So, unless there is objection or concerns, I will try to craft a reporting template for discussion by the FWATF at our next regularly scheduled meeting. If you have suggestions for this reporting, please send along.
- We have put on our respective calendars a weekly meeting, generously hosted at PSC offices, on Wednesday mornings. We are also attempting to schedule a "listening session" in Flint in the next few weeks as well as briefing sessions with MDEQ and MHHS.

My apologies for any confusion regarding the Basecamp set-up. Please let me know if you have any questions or concerns.

- Eric

Eric P. Rothstein, CPA
GLWA Implementation Planning Program Manager
Galardi Rothstein Group - Principal
3300 N. Lake Shore Drive, Unit 6C
Chicago, IL 60657

iPhone: [redacted]
E-Mail: erothste@grg-ltd.com
Web: www.grg-ltd.com

From: Storberg, Ann Marie (TREASURY)
Sent: Friday, April 24, 2015 3:07 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV)
Cc: Wurfel, Sara (GOV); Stanton, Terry A. (Treasury); Gelisse, Ashley (TREASURY); Saxton, Thomas (Treasury); Workman, Wayne (MSHDA); Koryzno, Edward (Treasury); Khouri, Nick (TREASURY); Redford, James (GOV); Bedan, Morgan (GOV); Sampson, Jeremy (TREASURY); Wisniewski, Wendy (GOV); Lukasik, Liz (GOV); Breslin, Brian (GOV); Harden, Carolyn (GOV); Byrne, Randall (Treasury); Headen, Frederick (Treasury); Rospond, Laurie (GOV); Stoken, Laura (GOV)
Subject: City of Flint EM Transition Plan for Next Week - 4/24/15 Draft Materials and Communication Plan
Attachments: Flint_RTAB Comms Plan.doc; Flint Exit Letter.docx; Flint Final Order 4-24-15.docx; Flint EM Termination Letter.doc; Flint RTAB Appointment Letter.doc

Dennis & Beth,

On Wednesday, April 29th, the City of Flint's Emergency Manager (EM), Jerry Ambrose, is expected to issue a determination that the financial emergency in the city has been rectified. He will also recommend that a Receivership Transition Advisory Board (RTAB) be appointed in the city.

Listed below and attached for your review are the draft documents necessary to transition Flint from EM status to a RTAB, *as is the communications plan for April 29th and April 30th.*

- Communication plan for Flint RTAB announcement
- Letter from the EM determining the financial emergency in the city has been rectified
- EM's Final Order
- Termination letter
- RTAB appointment letter

The proposed schedule for Wednesday, April 29th and Thursday, April 30th – items listed in order of occurrence:

1. On April 29th – EM Jerry Ambrose issues letter to Governor declaring the financial emergency in the city has been rectified.

2. On April 30th, EM Jerry Ambrose issues final order outlining duties of the mayor, city council and soon-to-be-appointed RTAB, effective immediately. This needs some type of time stamp, either through the Clerk or by transmitting it in an email. Jerry to notify Treasury of issuance.

3. ONLY AFTER NOTIFICATION OF FINAL ORDER BEING ISSUED - Governor's Office issues termination letter to Jerry Ambrose. A draft copy of the letter is attached for your review. Transmittal of signed letter by email to include a time stamp.

4. AFTER CONFIRMATION OF TERMINATION LETTER BEING SENT - Governor's Appointments Office transmits appointment letter for RTAB. A draft copy of the letter is attached for your review.

Summary of Governor's Transition Advisory Board Appointment Letter –

The Governor's letter appointing the RTAB contains the following requirements: enforcement of the requirements contained in the EM's final order; recommendation of modifications or termination of the EM's final order; formal

evaluation of the City's financial and operational progress and sharing of that information with city officials, residents and stakeholders. The letter also contains conditions which must be satisfied before receivership is waived. These are implementing the Financial Officials Association best practices; implement charter amendments consistent with applicable model charters, and completion of financial and managerial training by city officials.

Pursuant to the Communication Plan, a press avail is scheduled for 1:00 pm on Thursday, April 30th.

Please do not hesitate to let me know if you have any questions. Thank you.

Ann Storberg
Senior Adviser to State Treasurer
Michigan Department of Treasury
430 West Allegan Street
Lansing, MI 48922
Office (517) 373-6638
Cell [redacted]
Storberga@michigan.gov
NOTICE: *This message is intended for the named recipient(s) only and may contain confidential, privileged, or private information exempt from disclosure under Michigan law. If you have received this message in error, do not forward, share, save or duplicate it. Please reply and notify me of the error in transmission and then delete the message. Thank you..*

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

R. KEVIN CLINTON
STATE TREASURER

Communication Plan for Flint RTAB Announcement

On Thursday, April 30, 2015, Gov. Snyder will announce that the financial emergency in the city of Flint has been sufficiently resolved and that he is appointing a Receivership Transition Advisory Board (RTAB) to help ensure a smooth transition to local control and guide the city to continued financial stability. DRAFT

Wednesday, April 29 approx. 3:00 p.m.

- EM Jerry Ambrose sends a letter to Gov. Snyder, indicating he has determined the financial emergency in Flint to be sufficiently rectified and recommending appointment of a Receivership Transition Advisory Board (RTAB), pursuant to Public Act 436 of 2012.
- Treasury Comms issues press advisory for Thursday press avail.

Thursday, April 30 approx. 9:00 a.m.

- Jerry Ambrose discusses final order with Mayor and City Council (individually). The Final Order outlines authority of the Mayor, City Council, and the RTAB.

Approx. 10:00 a.m.

- Jerry Ambrose issues Final Order (Order needs a time stamp, via City Clerk or e-mail)…notifies Treasury of issuance.
- Dep. Treasurer Workman, Ambrose & Mayor Walling speak with Ron Fonger, Flint Journal, under embargo until 12:45 p.m.

10:30 a.m.

- Following notification from Treasury that the final order has been issued, Governor's Office sends **termination letter** to EM (emailed to include time stamp).

11:00 a.m.

- Following confirmation that the Governor's **termination letter** has been sent, Governor's Appointments Office **sends Flint RTAB appointment letter**.

11:30 a.m.

- Governor's Legislative Office (Dick) contacts SML, Speaker, and Flint legislators (Sen. Ananich and Reps. Neely and Phelps) and Governor's Comms contacts Leg. Comms.
- Governor's Office (Harvey) and Jerry Ambrose contact stakeholders.

Suggested message: ***"Gov. Snyder will today, announce that Jerry Ambrose has concluded his work as EM in the City of Flint and that the Governor will appoint a Receivership Transition Advisory Board (RTAB) to ensure a smooth transition to local control and guide the city to continued financial stability."***

1:00 p.m.

- Deputy State Treasurer Wayne Workman, Jerry Ambrose, Mayor Walling, CC President Josh Freeman, and members of the RTAB hold press avail at Flint City Hall to announce the Governor agrees with Ambrose's determination and appointment of RTAB and to discuss EM's accomplishments, final order, role of RTAB, etc.

- E-mail communication to ALL Flint city staff from JA & DW.

DRAFT

April 29, 2015

Honorable Rick Snyder
Governor of Michigan
111 South Capitol Avenue
Lansing, MI 48909

Dear Governor Snyder:

The City of Flint has been in a state of receivership since your declaration of a financial emergency in November 2011. Since that time a number of substantial changes have been implemented and I feel that the financial emergency has been sufficiently addressed. I feel it is appropriate to relinquish my position as Emergency Manager (EM) at this time.

As you are aware, I was appointed Emergency Manager on January 13, 2015, under the authority of PA 436 of 2012. I am the fourth EM to serve the City of Flint; my predecessors were Michael K. Brown (PA 4 and PA 436), Edward Kurtz (PA 72 and PA 436) and Darnell Earley (PA 436). Each EM took major steps toward rectifying the financial emergency. These steps included implementing budgetary and financial best practices, restructuring the City departmental organization, implementing new means and levels of service provision, and preparing the City for long term stability.

Addressing the Financial Emergency:

At the time of placement into state receivership, the City of Flint was a city in financial crisis, characterized by accumulated deficits in the General Fund and Water Fund, marginal cash flow, and unsustainable legacy costs. At the conclusion of FY12, the fiscal year in which an Emergency Manager was appointed, the City's General Fund deficit stood at $19.1 million; its Water Fund had a deficit of $8.8 million; and cash flow was $13 million, or less than one month's expenses. Unfunded OPEB liabilities were more that $850 million.

Addressing these issues and putting Flint back onto a path to sustain financial solvency has been difficult for taxpayers, employees, retirees, and those utilizing city services. Taxes and fees have been raised, including a voter approved six mill special levy for police and fire; a special assessment for street lighting; waste collection was changed to a fee for service from a millage rate; and increases in utility rates to among the highest in the state. Services have been reduced to marginal levels (including public safety), as the workforce and employee compensation has shrunk by more than 20%. And, retirees have seen their cost of retiree health care increase.

As a result, much progress has been made:

- The deficits in the General Fund and Water Fund have been addressed. The Water Fund is now solvent, although not at the level indicated as adequate; and the remaining $7 million General Fund deficit will be eliminated by June 30, 2015, with a loan authorized by the Emergency Loan Board. City wide cash flow is now more than $67 million.
- New ordinances addressing the achievement and maintenance of financial sustainability have been enacted by the City Council, with support of the Mayor. These ordinances include the requirement for creation and maintenance of a strategic plan; requirement for creation and maintenance of a biennial budget and five year financial projections; establishment of a fund balance reserve, including establishment of a budget stabilization fund; establishment of a

requirement to begin funding of OPEB liabilities; and an update of the City's purchasing ordinance.

- Long term liability costs have been reduced significantly. $850 million in OPEB liabilities have been reduced to $240 million, and new employees are given a contribution towards future health care costs at retirement instead of the promise of retiree health care. Current retirees now pay a significant amount towards their health care. Multipliers for remaining employees in defined benefit programs have been reduced, and new employees are enrolled in a hybrid pension plan, which has less long term liability for the City. The Flint Employees Retirement System has been dissolved, with pension administration now handled by the Municipal Employees Retirement System.
- The structure of the City organization has been changed significantly. A new City Administrator has been hired, selected on the basis of professional expertise, and with expanded control over daily activities of the City. The workforce has been reduced by more than 20%, and City operations have been reorganized into four program areas. Waste collection and demolition is no longer being done internally, 911 operations will be transferred to the County effective July 1, 2015, and the City-funded 68th District Court is expected to become part of the County- funded 67th District Court in January, 2016. The purchase of water is now planned to come from the Karegondi Water Authority instead of the Detroit Water and Sewerage Department. Collective bargaining contracts have also been revised; increasing flexibility for management and setting the stage for permanent reductions in legacy costs. Partnerships have been established to improve the level of parks maintenance. Senior Centers are now run by independent non-profit organizations, with reduced assistance from the City; and the City golf courses have been leased to private operators.
- The City has put into place a plan for long term stabilization and future development. A new Master Plan (the first since the 1960's) has been adopted, a new Capital Improvement Plan has been completed, and a new framework for a Blight Elimination Plan has been developed. A new zoning ordinance is well on its way to completion. Each of these major planning pieces significantly engaged members of the community and the final products were approved by the Flint City Council, with the support of the Mayor.
- A Blue Ribbon Committee on Governance was established by EM Earley in 2014. The committee recommended a number of Charter revisions and recommended the election of a Charter Review Committee. In November 2014 the voters in Flint approved several revisions to the current Charter and also approved establishing a Charter Review Commission, the members of which will be elected in May 2015. The Commission will consider whether to maintain the current Strong Mayor form of governance or to propose a new Council-Manager format.
- A formal assessment of the values of both Hurley Hospital and the City's utility system have been completed; and concluded that no change in ownership status would be beneficial at this time.

Continuing Challenges:

Significant work has been accomplished to resolve the conditions which put the City of Flint into State receivership. However, there also still exist several major challenges which will require continued work on the part of the City leaders:

- Retiree health care continues to be a significant concern as the City still faces a federal lawsuit over its decision to change (but not eliminate) health care for current retirees. While the City is currently operating under a judge's order which allows modification of the City's historical level of health care for retirees, a loss could have an impact of more than $5 million annually.

- The five year revenue projections still identify a structural deficit. Annual costs for wages and fringes will continue to rise at an approximate 2.4% rate. There is not a comparable increase in projected revenue, which is closer to 1%. While it may be possible to continue the low level of services that Flint now provides for a short while, even that level will be in jeopardy without a long term sustainable new source of revenue. The low level of services that Flint currently provides is not at the level which will help the City to become an attractive place to live, work, study, and play.
- Aging water and sewer systems designed to serve twice as many customers as the number now using the systems have resulted in water and sewer rates that are among the highest in the state. This is another factor impeding the City's ability to attract and retain businesses and residents. There needs to be a concerted effort to reduce rates by as much as 50%, but that cannot even be contemplated without the commitment of financial assistance from the state and federal governments. While the decision to join with Genesee County in the creation of the KWA will result in costs for purchasing water increasing at a rate less than historically paid to the previous supplier, it will not be sufficient to lower costs.
- Continuing voter support for special millages financing public safety is a concern. In 2012 voters approved a 6 mill property tax levy for police and fire, bringing Flint's total level to within 1 mill of its maximum 20 mill limit. This millage, plus one for 2 mills approved some time ago, are expiring in 2017, and without renewal, the resulting level of public safety services, even with the current level of greatly appreciated State Police support, would be unworkable. This was recently confirmed by an evaluation of the organization and staffing for both the Police and Fire departments. The evaluations found both departments are understaffed, but the understaffing situation is significantly more acute in the Police Department, where it was noted that comparable cities have on average 100 more officers on the street than Flint does.
- Equally important to providing State support in the form of Michigan State Police has been the financial commitment by the State to fund the City's lock up at a cost of more than $2.5 million annually – without which there would be no lock-up. Both FPD and MSP have noted that the opening of the City's 72-hour lock-up has been a key component in the reduction in crime.

Emergency Manager's Recommendation:

Section 22(1) of P.A. 436 of 2012, the Local Financial Stability and Choice Act, provides that if the Emergency Manager determines that the financial emergency has been rectified, he or she is required to inform you and the State Treasurer. Based on the examples presented above, I am prepared to say that I have determined the financial emergency in the City of Flint has been rectified. In addition, as required by Section 21(1) of the Act, a two-year budget has been implemented and all bargaining unit contracts have been settled.

Although the financial emergency has been resolved, I recommend the appointment of a Receivership Transition Advisory Board (RTAB) as allowed by Section 23 of the Act. I believe it is critical that the RTAB oversee and provide guidance to the City as they address the continuing challenges facing the City of Flint and complete transition back to full local control.

The path to sustainable financial solvency for the City of Flint will be very difficult, but doable. The new financial policies and practices, and the new organizational structure, are designed to assist City leaders in achieving this goal. Achieving the goal will allow City leaders to become a positive force in leading the City to become an attractive place to live, work, study, and play. I applaud the efforts of the Mayor and Council members who have worked actively and positively to effectuate these changes and are committed to carrying them into the future.

DRAFT

If, however, the new policies, practices, and organizational changes are ignored in favor of returning to the historic ways of doing business, it is not likely the City will succeed over the long term. The focus of City leaders will then likely once again return to confronting financial insolvency.

I have greatly appreciated the opportunity to have been of service to the City of Flint and to the State of Michigan.

Sincerely,

Gerald Ambrose
Emergency Manager
City of Flint

Cc: Nick A. Khouri, State Treasurer

DRAFT

EMERGENCY MANAGER
CITY OF FLINT
GENESEE COUNTY, MICHIGAN

ORDER NO. 20

MEASURES TO RECTIFY FINANCIAL EMERGENCY AND ALLOCATION OF RESPONSIBILITIES IN THE EVENT OF THE APPOINTMENT OF A RECEIVERSHIP TRANSITION ADVISORY BOARD

BY THE POWER AND AUTHORITY VESTED IN THE EMERGENCY MANAGER ("EMERGENCY MANAGER") FOR THE CITY OF FLINT, MICHIGAN ("CITY') PURSUANT TO MICHIGAN'S PUBLIC ACT 436 OF 2012, LOCAL FINANCIAL STABILITY AND CHOICE ACT, ("PA 436"); GERALD AMBROSE, THE EMERGENCY MANAGER, ISSUES THE FOLLOWING ORDER:

Pursuant to Public Act 436, the Emergency Manager has broad powers in receivership to rectify the financial emergency and to assure the fiscal accountability of the City of Flint and its capacity to provide or cause to be provided necessary services essential to the public health, safety and welfare; and

Pursuant to Public Act 436, the Emergency Manager acts in place of local officials, specifically the Mayor and City Council, unless the Emergency Manager delegates specific authority; and

Pursuant to Public Act 436, the Emergency Manager has broad power to manage the local government, and may issue orders to elected and appointed officials necessary to accomplish the purpose of the Act; and

Pursuant to Public Act 436, the Emergency Manager is issuing this order to rectify the Financial Emergency and allocate responsibilities in the event of the appointment of a Receivership Transition Advisory Board:

1. The purpose of PA 436, which became effective on March 28, 2013, is to safeguard and ensure the financial accountability of local units of government; to preserve the capacity of local units of government to provide or cause to be provided necessary services essential to

the public health, safety, and welfare; to provide for review, management, planning, and control of the financial operation of local units of government and the provision of services by local units of government; to authorize a declaration of the existence of a financial emergency within local units of government; to prescribe remedial measures to address a financial emergency within local units of government; to provide for the appointment and to prescribe the powers and duties of emergency managers for local units of government; and to provide for the termination of a financial emergency within a local unit of government.

2. Section 23 of PA 436 authorizes the Governor, before removing a local government from receivership, to appoint a Receivership Transition Advisory Board (Board) to monitor the affairs of the local government until the receivership is terminated.

3. By letter dated April 29, 2015, I recommended that Governor Snyder appoint a Receivership Transition Advisory Board for the City.

4. In the event that the Governor appoints a Receivership Transition Advisory Board (Board), this Order is issued to facilitate the effective and efficient operation of the City for the duration of the period that the Board is monitoring the affairs of the City and the City remains in receivership. City officials shall be governed by and perform the duties and functions set forth as follows:

   (a) **The Mayor and City Council shall implement all of the following financial best practices within the City and do all of the following**:

      1) Safeguard the financial stability of the City by seeking out, approving, and implementing cost-saving measures recommended by the City Administrator, the Board, or both.

      2) Work with the City Administrator and other City or State officials to successfully transition the City from receivership and eliminate financial stress within the City.

      3) Ensure that the City makes annually required contributions to the City's pension funds. Any changes to the City's pension plans, including an annual contribution which is less than is actuarially determined, may only be made with the approval of the Board and the State Treasurer.

      4) The City Council shall not interfere with the employees of the City. The City Administrator shall be the authorized management contact for all employees.

5) Fill within 120 days and with the approval of the Board, any vacancy in the Office of City Administrator with an individual that meets qualifications outlined in the job position description and established by the Board. Upon such a vacancy the City shall engage a Board-approved and professionally recognized search firm to identify and locate qualified candidates. Without the approval of the Board, neither the City Council nor the Mayor may terminate the City Administrator, or any other City officer or employee.

6) Shall observe the budgetary process as detailed in ordinance. Any budget adoption or subsequent amendment must be submitted for Board approval prior to implementation. The City shall comply with the two-year budget, which the Emergency Manager adopted pursuant to §21(1) of PA 436; however the two-year budget may be amended by approval of the Board and State Treasurer. Proposed budget amendments must be submitted to the Board at the next Board meeting that follows the event or discovery that necessitates the amendment.

7) Adopt ordinances and resolutions not inconsistent with this Order and Michigan law. Ordinances and resolutions are subject to approval of the Board before taking effect, except as otherwise directed by the Board, including but not limited to, ordinances or resolutions providing for the appointment or reappointment of individuals to City offices.

8) Issue or otherwise incur debt with the approval of the Board. As used in this paragraph, "debt" means that term as defined under the Revised Municipal Finance Act, 2001 PA 34, MCL 141.2101 to 141.2821.

9) Post City Council meeting agendas on the City's website no less than 24 hours prior to each meeting.

10) Document all of the City's outstanding liabilities, including payables and debt obligations. The City shall provide a report on the liabilities to the Board upon request.

11) Adopt or alter policies and procedures for conducting the operations of the City Council, as needed, subject to approval by the Board.

12) Verify the qualifications and eligibility of any individual being considered for appointment or reappointment to the City Council or any other City board, commission, or committee prior to said appointment or reappointment. An individual not eligible for appointment or reappointment shall not be approved.

13) Review not less than annually an inventory of City assets.

14) Review not less than annually a report on business licenses issued by the City.

15) Review licensing fees and all other City fees on an annual basis and make recommendations for any adjustments, subject to approval by the Board.

16) Annually review the status of tax collections and outstanding property taxes owed to the City and report findings to the Board. The City must undergo a complete reappraisal of all property within all property classes within the City, to be implemented for the 2018 Assessment Roll. The City must maintain adequate assessment records in compliance with State Statute, State Tax Commission Rules and State Tax Commission Guidelines.

17) Review and recommend approval of all asset sales to the Board. Absent Board approval to do otherwise, the net proceeds from all asset sales shall be deposited in the City's pension funds, if at the time of the asset sale the City's pension funds are not fully funded. Additionally, City owned parcels shall be

appraised prior to sale and sold by a sealed bid process absent approval by the Board to sell by another method.

18) Review election precinct sites and approve expenses associated with elections, consistent with the budget then in effect for the City.

19) Review and approve proposed economic and redevelopment projects recommended for approval by the City Administrator, subject to the approval of the Board.

20) Approve intergovernmental agreements and service consolidation plans recommended by the City Administrator, subject to the approval of the Board.

21) Comply with local ordinance concerning the purchase of and contract for goods and services.

22) Approve any changes to the job description of the City Administrator, any contract with the City Administrator, and any policies or procedures applicable to the City Administrator with the approval of the Board.

(b) **The City Administrator shall implement all of the following financial best practices within the City and do all of the following**:

1) Fulfill the responsibilities and duties of Emergency Manager Order Number 3, dated April 10, 2015.

2) Be responsible for effectively overseeing the day-to-day operations of the City, consistent with Emergency Manager Orders.

3) Be the sole authority concerning modifications to compensation, including appointed officers and other City employees. This provision does not apply for elected officers within the City.

4) Notwithstanding the provisions of paragraph 20 of Emergency Manager Order No. 3 (issued April 10, 2015), termination of any department head shall require the approval of the Board.

5) Negotiate and recommend approval to the Board proposed collective bargaining agreements, subject to limitations on collective bargaining under MCL 141.1567(3).

6) Submit regular reports to the Mayor, City Council, and Board regarding the overall operation and direction of the City and regularly report on his or her activities to the Mayor, the City Council, and the Board.

7) Serve as the official City representative to the Board on behalf of the Mayor and the City Council.

8) Work with the City Council, the Mayor, and other City or State officials to successfully transition the City from receivership and eliminate financial stress within the City.

9) Ensure that the City is in full compliance with Public Act 436, all Emergency Manager Orders, local ordinances, and applicable state and federal laws.

10) The City Administrator may be removed only in accordance with the provisions set forth by Emergency Manager Orders and the City Administrator's Employment Agreement. Complaints or grievances against the City Administrator from the Mayor or City Council shall be provided to the City Administrator in writing. The City Administrator may not be terminated, suspended, or placed on administrative leave without the approval of the Board.

11) Shall observe and comply with the Purchasing Ordinance, Ordinance #3865 However in the event that the Board documents abuse of the process outlined

in ordinance, the Board may resolve to review all purchases over $15,000.00. If this occurs, Board approval is required in addition to approvals required by ordinance.

12) Provide to the Mayor, City Council, and the Board by the 20th calendar day following the end of each month, or when directed by the Board, monthly budget-to-actual reports, balance sheets, and a cash balances report by fund and by bank account, as prepared by the Finance Director. These reports are to be reviewed monthly with the Mayor. Additionally, if requested by the Board, monthly reports shall be submitted to the Board which detail all of the overtime expenses that the City has incurred during the previous 30 days.

13) Provide the Board with a plan to address and resolve all deficiencies reported in the most recent audited financial statements.

14) Serve as the primary contact between the Mayor, City Council, and the employees of the City.

15) Faithfully execute the duties of the City Administrator.

(c) **The Mayor, City Administrator, and City Council shall implement all of the following financial best practices within the City and do all of the following**:

1) Comply with all financial policies and ordinances, including but not limited to, the development and update of the Strategic Plan, Ordinance #3854; Development and Adoption of Biennial Budgets and Three-Year Financial Forecasts, Ordinance #3855; Amendment of Adopted Budgets, Ordinance #3856; Fund Balance Policy, Ordinance #3851; Budget Stabilization Fund, Ordinance #3853; Other Post-Employment Benefits, Ordinance #3852; and the Purchasing Ordinance, Ordinance #3865. Additionally, continue to adopt,

subject to Board approval, any policies and procedures necessary to implement best financial practices by the City.

2) Work with the Board to successfully transition the termination of receivership for the City by supporting, implementing, and maintaining the financial and operating plan and the reforms instituted by the City's emergency managers, including but not limited to, the financial and operating plan for the City and by providing appropriate training and explanation of City operations.

3) Provide to the Board, in a timely manner, any documents, records, or other information requested by the Board or its staff. Appear before the Board to provide testimony, documents, records or other information when requested by the Board or its staff.

4) Per previously adopted Orders, continue to develop and maintain a rolling five-year financial operations plan, in coordination with the City Administrator and City Finance Director, and ensure that the financial operations plan is prepared in accordance with applicable law. The five-year financial operations plan and any subsequent amendments are subject to Board approval.

5) Per previously adopted Orders, continue to develop and maintain a rolling six-year Capital Improvements Plan (CIP), in coordination with the City Planning Commission and ensure that the CIP is prepared annually in accordance with applicable law. The CIP, and any subsequent amendments, are subject to approval by the Board.

6) Annually budget for and receive training on the Open Meetings Act, effective meeting management and parliamentary procedures, council-manager relations, analyzing financial statements, and reports from professionally

recognized organizations. Notwithstanding the provisions of Emergency Manager Order No. 4, issued April 10, 2015, City Council members shall complete Level One of the Michigan Municipal League (MML) Core Courses for Municipal Government within one year following the appointment of the Board. In the event a City Council member fails to complete any of these training requirements, all compensation shall be reduced by 20%. The City will pay for training costs. Budget for and ensure that all planning commissioners, zoning board of appeals members, and members of the board of review annually receive proper training to assist them in the fulfillment of their roles and responsibilities and remove members who fail to receive adequate training.

7) Annually review, upon preparation and adoption of the budget, all fees and make recommendations subject to approval of the Board. Should the City Council fail to adopt a budget by the first (1st) Monday in June, fail to approve a proposed budget amendment in a timely manner, or fail to ratify a fee schedule recommended by the City Administrator, the City Administrator shall present such budget, budget amendment, or fee schedule to the Board for approval, and the Board may approve the budget, budget amendment, or fee schedule on behalf of the City.

8) Continue to implement any steps necessary to successfully complete the district court consolidation process.

9) Take all steps necessary to successfully establish, develop, and complete the Karegnondi Water Authority (KWA) project.

10) Take action at the same meeting on all items duly submitted by the City Administrator to the City Council agenda unless the City Administrator agrees that the items should be postponed to the next subsequent meeting.

11) All City elected officials, officers, and employees shall abide by all State regulations and statutes.

(d) **Limitations upon the City Council, Mayor, and the City Administrator**:

1) The City Council, Mayor, or City Administrator shall not revise any Order that was implemented by the Emergency Manager during his or her term prior to one year after the termination of receivership. Amendments to Emergency Manager Orders may be made pursuant to the procedures identified in Section 5.

2) There shall be no funding for the Office of the Ombudsman or the Civil Service Commission.

5. Except as otherwise provided in this paragraph, the power to rescind or amend any order issued by the Emergency Manager shall rest solely with the Board, with approval by the State Treasurer, to the extent permitted under PA 436. This Order may be amended, modified, repealed, or terminated by a subsequent Order issued by an Emergency Manager.

6. This Order amends all previous Emergency Manager Orders to the extent that they are inconsistent.

7. This Order shall have immediate effect.

Date: _____

By: _____
Gerald Ambrose
Emergency Manager
City of Flint

72 (Rev. 04-15)

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

April 30, 2015

Gerald W. Ambrose
Emergency Manager
Flint City Hall
1101 South Saginaw Street
Flint, MI 48502

NOTICE OF TERMINATION

Mr. Ambrose:

Pursuant to Section 9 of the Contract for Emergency Manager Services for the City of Flint that was executed on January 13, 2015, I hereby issue this Notice of Termination, effective April 30, 2015. Upon the effective date of this Notice, you are expected to adhere to the following guidelines:

- Cease work under this Contract.
- Incur no further costs.
- Submit all records, reports, and other documentation as specified by the State; follow any directives made by the State concerning the safeguard and disposition of files and property.
- Submit a closing memorandum and final billing within thirty (30) days. This will be paid within thirty (30) days.

On behalf of the State of Michigan, thank you for your service.

Sincerely,

Rick Snyder
Governor

72 (Rev. 04-15)

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

April 30, 2015

The Honorable Ruth Johnson
Secretary of State
Office of the Great Seal
Michigan Department of State
Lansing, MI 48909

Dear Secretary Johnson:

Please be advised of the following appointments to office to be effective April 30, 2015.

City of Flint Receivership Transition Advisory Board

Frederick Headen, County of Ingham, representing the State Treasurer, is appointed for a term commencing April 30, 2015, and expiring at the pleasure of the Governor.

Brian Larkin, County of Genesee, representing the Director of the Department of Technology, Management, and Budget, is appointed for a term commencing April 30, 2015, and expiring at the pleasure of the Governor.

David McGhee, County of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 30, 2015, and expiring at the pleasure of the Governor.

Dr. Beverly Walker-Griffea, County of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 30, 2015, and expiring at the pleasure of the Governor.

Dr. Robert McMahan, County of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 30, 2015, and expiring at the pleasure of the Governor.

These appointees shall take and file with the Office of the Great Seal an oath of office before commencing their duties as members of the Receivership Transition Advisory Board.

The State Treasurer, or his or her designee appointed to represent the State Treasurer, shall serve as chairperson of the Flint Receivership Transition Advisory Board. In addition to the duties assigned to a Receivership Transition Advisory Board by Section 23(5) of Public Act 436 of 2012, the Local Financial Stability and Choice Act, the Flint Receivership Transition Advisory Board shall perform the following duties:

1. Fulfill the Board responsibilities outlined in all Emergency Manager Orders, including ORDER No. 20.

2. Recommend amendments, modifications, repeal, or termination of Emergency Manager Order No. 20, or any other Flint Emergency Manager orders, to the State Treasurer. Recommended amendments, modifications, repeal, or termination of Emergency Manager Orders must be approved by the State Treasurer before any such modification becomes effective.

3. Conduct a formal annual evaluation of the City's operational and financial progress by identifying strengths, weaknesses, benchmarks achieved, and benchmarks not yet achieved, including a list of specific recommendations, potential resources available to assist City officials, and any other constructive feedback that informs City officials, residents, and other stakeholders concerning how the City can promote and ensure its long-term sustainability.

Finally, pursuant to Section 22(4) of the Act, I impose upon the City the following conditions which must be satisfied before it is removed from receivership, unless subsequently waived by me:

1. The implementation of financial best practices as adopted by the financial officials' association.

2. After study by the Mayor and the City Council, and in consultation with the Receivership Transition Advisory Board, the City shall enact changes in the current charter through charter amendments or charter revision that are consistent with applicable model charters and model charter amendments and in the City's best financial interests.

3. The completion by City officials of financial and managerial training to ensure that official responsibilities are properly discharged.

Sincerely,

Rick Snyder
Governor

From: Wurfel, Sara (GOV)
Sent: Friday, April 24, 2015 3:42 PM
To: Bedan, Morgan (GOV)
Cc: Wisniewski, Wendy (GOV); Murray, David (GOV); Brown, Jessica (GOV); Heaton, Anna (GOV)
Subject: Fwd: City of Flint EM Transition Plan for Next Week - 4/24/15 Draft Materials and Communication Plan
Attachments: Flint_RTAB Comms Plan.doc; ATT00001.htm; Flint Exit Letter.docx; ATT00002.htm; Flint Final Order 4-24-15.docx; ATT00003.htm; Flint EM Termination Letter.doc; ATT00004.htm; Flint RTAB Appointment Letter.doc; ATT00005.htm

Morgan - per our convo. Here are the items for the Gov's briefing - if you want in this weekend's.

There's a release draft too - though Dave and I are editing and working on dressing that up this afternoon.

Sent from my iPad

Begin forwarded message:

> **From:** "Storberg, Ann Marie (TREASURY)" <StorbergA@michigan.gov>
> **Date:** April 24, 2015 at 3:07:04 PM EDT
> **To:** "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>, "Clement, Elizabeth (GOV)" <clemente@michigan.gov>
> **Cc:** "Wurfel, Sara (GOV)" <Wurfels@michigan.gov>, "Stanton, Terry A. (Treasury)" <StantonT@michigan.gov>, "Gelisse, Ashley (TREASURY)" <GelisseA@michigan.gov>, "Saxton, Thomas (Treasury)" <SaxtonT@michigan.gov>, "Workman, Wayne (MSHDA)" <WorkmanW1@michigan.gov>, "Koryzno, Edward (Treasury)" <KoryznoE@michigan.gov>, "Khouri, Nick (TREASURY)" [redacted], "Redford, James (GOV)" <RedfordJ@michigan.gov>, "Bedan, Morgan (GOV)" <BedanM@michigan.gov>, "Sampson, Jeremy (TREASURY)" <SampsonJ@michigan.gov>, "Wisniewski, Wendy (GOV)" <wisniewskiw@michigan.gov>, "Lukasik, Liz (GOV)" <LukasikL@michigan.gov>, "Breslin, Brian (GOV)" <BreslinB@michigan.gov>, "Harden, Carolyn (GOV)" <hardenc@michigan.gov>, "Byrne, Randall (Treasury)" <ByrneR1@michigan.gov>, "Headen, Frederick (Treasury)" <HeadenF@michigan.gov>, "Rospond, Laurie (GOV)" <rospondl@michigan.gov>, "Stoken, Laura (GOV)" <StokenL@michigan.gov>
> **Subject: City of Flint EM Transition Plan for Next Week - 4/24/15 Draft Materials and Communication Plan**
>
> Dennis & Beth,
>
> On Wednesday, April 29th, the City of Flint's Emergency Manager (EM), Jerry Ambrose, is expected to issue a determination that the financial emergency in the city has been rectified. He will also recommend that a Receivership Transition Advisory Board (RTAB) be appointed in the city.
>
> Listed below and attached for your review are the draft documents necessary to transition Flint from EM status to a RTAB, *as is the communications plan for April 29th and April 30th.*
>
> - Communication plan for Flint RTAB announcement
> - Letter from the EM determining the financial emergency in the city has been rectified
> - EM's Final Order

- Termination letter
- RTAB appointment letter

The proposed schedule for Wednesday, April 29th and Thursday, April 30th – items listed in order of occurrence:

1. On April 29th – EM Jerry Ambrose issues letter to Governor declaring the financial emergency in the city has been rectified.

2. On April 30th, EM Jerry Ambrose issues final order outlining duties of the mayor, city council and soon-to-be-appointed RTAB, effective immediately. This needs some type of time stamp, either through the Clerk or by transmitting it in an email. Jerry to notify Treasury of issuance.

3. ONLY AFTER NOTIFICATION OF FINAL ORDER BEING ISSUED - Governor's Office issues termination letter to Jerry Ambrose. A draft copy of the letter is attached for your review. Transmittal of signed letter by email to include a time stamp.

4. AFTER CONFIRMATION OF TERMINATION LETTER BEING SENT - Governor's Appointments Office transmits appointment letter for RTAB. A draft copy of the letter is attached for your review.

Summary of Governor's Transition Advisory Board Appointment Letter –

The Governor's letter appointing the RTAB contains the following requirements: enforcement of the requirements contained in the EM's final order; recommendation of modifications or termination of the EM's final order; formal evaluation of the City's financial and operational progress and sharing of that information with city officials, residents and stakeholders. The letter also contains conditions which must be satisfied before receivership is waived. These are implementing the Financial Officials Association best practices; implement charter amendments consistent with applicable model charters, and completion of financial and managerial training by city officials.

Pursuant to the Communication Plan, a press avail is scheduled for 1:00 pm on Thursday, April 30th.

Please do not hesitate to let me know if you have any questions. Thank you.

Ann Storberg
Senior Advisor to State Treasurer
Michigan Department of Treasury
430 West Allegan Street
Lansing, MI 48922
Office (517) 373-6638
[redacted]
Storberga@michigan.gov
NOTICE: *This message is intended for the named recipient(s) only and may contain confidential, privileged, or private information exempt from disclosure under Michigan law. If you have received this message in error, do not forward, share, save or duplicate it. Please reply and notify me of the error in transmission and then delete the message. Thank you..*

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

R. KEVIN CLINTON
STATE TREASURER

Communication Plan for Flint RTAB Announcement

On Thursday, April 30, 2015, Gov. Snyder will announce that the financial emergency in the city of Flint has been sufficiently resolved and that he is appointing a Receivership Transition Advisory Board (RTAB) to help ensure a smooth transition to local control and guide the city to continued financial stability. DRAFT

Wednesday, April 29 approx. 3:00 p.m.

- EM Jerry Ambrose sends a letter to Gov. Snyder, indicating he has determined the financial emergency in Flint to be sufficiently rectified and recommending appointment of a Receivership Transition Advisory Board (RTAB), pursuant to Public Act 436 of 2012.
- Treasury Comms issues press advisory for Thursday press avail.

Thursday, April 30 approx. 9:00 a.m.

- Jerry Ambrose discusses final order with Mayor and City Council (individually). The Final Order outlines authority of the Mayor, City Council, and the RTAB.

Approx. 10:00 a.m.

- Jerry Ambrose issues Final Order (Order needs a time stamp, via City Clerk or e-mail)…notifies Treasury of issuance.
- Dep. Treasurer Workman, Ambrose & Mayor Walling speak with Ron Fonger, Flint Journal, under embargo until 12:45 p.m.

10:30 a.m.

- Following notification from Treasury that the final order has been issued, Governor's Office sends **termination letter** to EM (emailed to include time stamp).

11:00 a.m.

- Following confirmation that the Governor's **termination letter** has been sent, Governor's Appointments Office **sends Flint RTAB appointment letter**.

11:30 a.m.

- Governor's Legislative Office (Dick) contacts SML, Speaker, and Flint legislators (Sen. Ananich and Reps. Neely and Phelps) and Governor's Comms contacts Leg. Comms.
- Governor's Office (Harvey) and Jerry Ambrose contact stakeholders.

Suggested message: ***"Gov. Snyder will today, announce that Jerry Ambrose has concluded his work as EM in the City of Flint and that the Governor will appoint a Receivership Transition Advisory Board (RTAB) to ensure a smooth transition to local control and guide the city to continued financial stability."***

1:00 p.m.

- Deputy State Treasurer Wayne Workman, Jerry Ambrose, Mayor Walling, CC President Josh Freeman, and members of the RTAB hold press avail at Flint City Hall to announce the Governor agrees with Ambrose's determination and appointment of RTAB and to discuss EM's accomplishments, final order, role of RTAB, etc.

- E-mail communication to ALL Flint city staff from JA & DW.

DRAFT

April 29, 2015

Honorable Rick Snyder
Governor of Michigan
111 South Capitol Avenue
Lansing, MI 48909

Dear Governor Snyder:

The City of Flint has been in a state of receivership since your declaration of a financial emergency in November 2011. Since that time a number of substantial changes have been implemented and I feel that the financial emergency has been sufficiently addressed. I feel it is appropriate to relinquish my position as Emergency Manager (EM) at this time.

As you are aware, I was appointed Emergency Manager on January 13, 2015, under the authority of PA 436 of 2012. I am the fourth EM to serve the City of Flint; my predecessors were Michael K. Brown (PA 4 and PA 436), Edward Kurtz (PA 72 and PA 436) and Darnell Earley (PA 436). Each EM took major steps toward rectifying the financial emergency. These steps included implementing budgetary and financial best practices, restructuring the City departmental organization, implementing new means and levels of service provision, and preparing the City for long term stability.

Addressing the Financial Emergency:

At the time of placement into state receivership, the City of Flint was a city in financial crisis, characterized by accumulated deficits in the General Fund and Water Fund, marginal cash flow, and unsustainable legacy costs. At the conclusion of FY12, the fiscal year in which an Emergency Manager was appointed, the City's General Fund deficit stood at $19.1 million; its Water Fund had a deficit of $8.8 million; and cash flow was $13 million, or less than one month's expenses. Unfunded OPEB liabilities were more that $850 million.

Addressing these issues and putting Flint back onto a path to sustain financial solvency has been difficult for taxpayers, employees, retirees, and those utilizing city services. Taxes and fees have been raised, including a voter approved six mill special levy for police and fire; a special assessment for street lighting; waste collection was changed to a fee for service from a millage rate; and increases in utility rates to among the highest in the state. Services have been reduced to marginal levels (including public safety), as the workforce and employee compensation has shrunk by more than 20%. And, retirees have seen their cost of retiree health care increase.

As a result, much progress has been made:

- The deficits in the General Fund and Water Fund have been addressed. The Water Fund is now solvent, although not at the level indicated as adequate; and the remaining $7 million General Fund deficit will be eliminated by June 30, 2015, with a loan authorized by the Emergency Loan Board. City wide cash flow is now more than $67 million.
- New ordinances addressing the achievement and maintenance of financial sustainability have been enacted by the City Council, with support of the Mayor. These ordinances include the requirement for creation and maintenance of a strategic plan; requirement for creation and maintenance of a biennial budget and five year financial projections; establishment of a fund balance reserve, including establishment of a budget stabilization fund; establishment of a

requirement to begin funding of OPEB liabilities; and an update of the City's purchasing ordinance.

- Long term liability costs have been reduced significantly. $850 million in OPEB liabilities have been reduced to $240 million, and new employees are given a contribution towards future health care costs at retirement instead of the promise of retiree health care. Current retirees now pay a significant amount towards their health care. Multipliers for remaining employees in defined benefit programs have been reduced, and new employees are enrolled in a hybrid pension plan, which has less long term liability for the City. The Flint Employees Retirement System has been dissolved, with pension administration now handled by the Municipal Employees Retirement System.
- The structure of the City organization has been changed significantly. A new City Administrator has been hired, selected on the basis of professional expertise, and with expanded control over daily activities of the City. The workforce has been reduced by more than 20%, and City operations have been reorganized into four program areas. Waste collection and demolition is no longer being done internally, 911 operations will be transferred to the County effective July 1, 2015, and the City-funded 68th District Court is expected to become part of the County- funded 67th District Court in January, 2016. The purchase of water is now planned to come from the Karegondi Water Authority instead of the Detroit Water and Sewerage Department. Collective bargaining contracts have also been revised; increasing flexibility for management and setting the stage for permanent reductions in legacy costs. Partnerships have been established to improve the level of parks maintenance. Senior Centers are now run by independent non-profit organizations, with reduced assistance from the City; and the City golf courses have been leased to private operators.
- The City has put into place a plan for long term stabilization and future development. A new Master Plan (the first since the 1960's) has been adopted, a new Capital Improvement Plan has been completed, and a new framework for a Blight Elimination Plan has been developed. A new zoning ordinance is well on its way to completion. Each of these major planning pieces significantly engaged members of the community and the final products were approved by the Flint City Council, with the support of the Mayor.
- A Blue Ribbon Committee on Governance was established by EM Earley in 2014. The committee recommended a number of Charter revisions and recommended the election of a Charter Review Committee. In November 2014 the voters in Flint approved several revisions to the current Charter and also approved establishing a Charter Review Commission, the members of which will be elected in May 2015. The Commission will consider whether to maintain the current Strong Mayor form of governance or to propose a new Council-Manager format.
- A formal assessment of the values of both Hurley Hospital and the City's utility system have been completed; and concluded that no change in ownership status would be beneficial at this time.

Continuing Challenges:

Significant work has been accomplished to resolve the conditions which put the City of Flint into State receivership. However, there also still exist several major challenges which will require continued work on the part of the City leaders:

- Retiree health care continues to be a significant concern as the City still faces a federal lawsuit over its decision to change (but not eliminate) health care for current retirees. While the City is currently operating under a judge's order which allows modification of the City's historical level of health care for retirees, a loss could have an impact of more than $5 million annually.

- The five year revenue projections still identify a structural deficit. Annual costs for wages and fringes will continue to rise at an approximate 2.4% rate. There is not a comparable increase in projected revenue, which is closer to 1%. While it may be possible to continue the low level of services that Flint now provides for a short while, even that level will be in jeopardy without a long term sustainable new source of revenue. The low level of services that Flint currently provides is not at the level which will help the City to become an attractive place to live, work, study, and play.
- Aging water and sewer systems designed to serve twice as many customers as the number now using the systems have resulted in water and sewer rates that are among the highest in the state. This is another factor impeding the City's ability to attract and retain businesses and residents. There needs to be a concerted effort to reduce rates by as much as 50%, but that cannot even be contemplated without the commitment of financial assistance from the state and federal governments. While the decision to join with Genesee County in the creation of the KWA will result in costs for purchasing water increasing at a rate less than historically paid to the previous supplier, it will not be sufficient to lower costs.
- Continuing voter support for special millages financing public safety is a concern. In 2012 voters approved a 6 mill property tax levy for police and fire, bringing Flint's total level to within 1 mill of its maximum 20 mill limit. This millage, plus one for 2 mills approved some time ago, are expiring in 2017, and without renewal, the resulting level of public safety services, even with the current level of greatly appreciated State Police support, would be unworkable. This was recently confirmed by an evaluation of the organization and staffing for both the Police and Fire departments. The evaluations found both departments are understaffed, but the understaffing situation is significantly more acute in the Police Department, where it was noted that comparable cities have on average 100 more officers on the street than Flint does.
- Equally important to providing State support in the form of Michigan State Police has been the financial commitment by the State to fund the City's lock up at a cost of more than $2.5 million annually – without which there would be no lock-up. Both FPD and MSP have noted that the opening of the City's 72-hour lock-up has been a key component in the reduction in crime.

Emergency Manager's Recommendation:

Section 22(1) of P.A. 436 of 2012, the Local Financial Stability and Choice Act, provides that if the Emergency Manager determines that the financial emergency has been rectified, he or she is required to inform you and the State Treasurer. Based on the examples presented above, I am prepared to say that I have determined the financial emergency in the City of Flint has been rectified. In addition, as required by Section 21(1) of the Act, a two-year budget has been implemented and all bargaining unit contracts have been settled.

Although the financial emergency has been resolved, I recommend the appointment of a Receivership Transition Advisory Board (RTAB) as allowed by Section 23 of the Act. I believe it is critical that the RTAB oversee and provide guidance to the City as they address the continuing challenges facing the City of Flint and complete transition back to full local control.

The path to sustainable financial solvency for the City of Flint will be very difficult, but doable. The new financial policies and practices, and the new organizational structure, are designed to assist City leaders in achieving this goal. Achieving the goal will allow City leaders to become a positive force in leading the City to become an attractive place to live, work, study, and play. I applaud the efforts of the Mayor and Council members who have worked actively and positively to effectuate these changes and are committed to carrying them into the future.

If, however, the new policies, practices, and organizational changes are ignored in favor of returning to the historic ways of doing business, it is not likely the City will succeed over the long term. The focus of City leaders will then likely once again return to confronting financial insolvency.

I have greatly appreciated the opportunity to have been of service to the City of Flint and to the State of Michigan.

Sincerely,

Gerald Ambrose
Emergency Manager
City of Flint

Cc: Nick A. Khouri, State Treasurer

DRAFT

EMERGENCY MANAGER
CITY OF FLINT
GENESEE COUNTY, MICHIGAN

ORDER NO. 20

MEASURES TO RECTIFY FINANCIAL EMERGENCY AND ALLOCATION OF RESPONSIBILITIES IN THE EVENT OF THE APPOINTMENT OF A RECEIVERSHIP TRANSITION ADVISORY BOARD

BY THE POWER AND AUTHORITY VESTED IN THE EMERGENCY MANAGER ("EMERGENCY MANAGER") FOR THE CITY OF FLINT, MICHIGAN ("CITY') PURSUANT TO MICHIGAN'S PUBLIC ACT 436 OF 2012, LOCAL FINANCIAL STABILITY AND CHOICE ACT, ("PA 436"); GERALD AMBROSE, THE EMERGENCY MANAGER, ISSUES THE FOLLOWING ORDER:

Pursuant to Public Act 436, the Emergency Manager has broad powers in receivership to rectify the financial emergency and to assure the fiscal accountability of the City of Flint and its capacity to provide or cause to be provided necessary services essential to the public health, safety and welfare; and

Pursuant to Public Act 436, the Emergency Manager acts in place of local officials, specifically the Mayor and City Council, unless the Emergency Manager delegates specific authority; and

Pursuant to Public Act 436, the Emergency Manager has broad power to manage the local government, and may issue orders to elected and appointed officials necessary to accomplish the purpose of the Act; and

Pursuant to Public Act 436, the Emergency Manager is issuing this order to rectify the Financial Emergency and allocate responsibilities in the event of the appointment of a Receivership Transition Advisory Board:

1. The purpose of PA 436, which became effective on March 28, 2013, is to safeguard and ensure the financial accountability of local units of government; to preserve the capacity of local units of government to provide or cause to be provided necessary services essential to

the public health, safety, and welfare; to provide for review, management, planning, and control of the financial operation of local units of government and the provision of services by local units of government; to authorize a declaration of the existence of a financial emergency within local units of government; to prescribe remedial measures to address a financial emergency within local units of government; to provide for the appointment and to prescribe the powers and duties of emergency managers for local units of government; and to provide for the termination of a financial emergency within a local unit of government.

2. Section 23 of PA 436 authorizes the Governor, before removing a local government from receivership, to appoint a Receivership Transition Advisory Board (Board) to monitor the affairs of the local government until the receivership is terminated.

3. By letter dated April 29, 2015, I recommended that Governor Snyder appoint a Receivership Transition Advisory Board for the City.

4. In the event that the Governor appoints a Receivership Transition Advisory Board (Board), this Order is issued to facilitate the effective and efficient operation of the City for the duration of the period that the Board is monitoring the affairs of the City and the City remains in receivership. City officials shall be governed by and perform the duties and functions set forth as follows:

   (a) **The Mayor and City Council shall implement all of the following financial best practices within the City and do all of the following**:

      1) Safeguard the financial stability of the City by seeking out, approving, and implementing cost-saving measures recommended by the City Administrator, the Board, or both.

      2) Work with the City Administrator and other City or State officials to successfully transition the City from receivership and eliminate financial stress within the City.

      3) Ensure that the City makes annually required contributions to the City's pension funds. Any changes to the City's pension plans, including an annual contribution which is less than is actuarially determined, may only be made with the approval of the Board and the State Treasurer.

      4) The City Council shall not interfere with the employees of the City. The City Administrator shall be the authorized management contact for all employees.

5) Fill within 120 days and with the approval of the Board, any vacancy in the Office of City Administrator with an individual that meets qualifications outlined in the job position description and established by the Board. Upon such a vacancy the City shall engage a Board-approved and professionally recognized search firm to identify and locate qualified candidates. Without the approval of the Board, neither the City Council nor the Mayor may terminate the City Administrator, or any other City officer or employee.

6) Shall observe the budgetary process as detailed in ordinance. Any budget adoption or subsequent amendment must be submitted for Board approval prior to implementation. The City shall comply with the two-year budget, which the Emergency Manager adopted pursuant to §21(1) of PA 436; however the two-year budget may be amended by approval of the Board and State Treasurer. Proposed budget amendments must be submitted to the Board at the next Board meeting that follows the event or discovery that necessitates the amendment.

7) Adopt ordinances and resolutions not inconsistent with this Order and Michigan law. Ordinances and resolutions are subject to approval of the Board before taking effect, except as otherwise directed by the Board, including but not limited to, ordinances or resolutions providing for the appointment or reappointment of individuals to City offices.

8) Issue or otherwise incur debt with the approval of the Board. As used in this paragraph, "debt" means that term as defined under the Revised Municipal Finance Act, 2001 PA 34, MCL 141.2101 to 141.2821.

9) Post City Council meeting agendas on the City's website no less than 24 hours prior to each meeting.

10) Document all of the City's outstanding liabilities, including payables and debt obligations. The City shall provide a report on the liabilities to the Board upon request.

11) Adopt or alter policies and procedures for conducting the operations of the City Council, as needed, subject to approval by the Board.

12) Verify the qualifications and eligibility of any individual being considered for appointment or reappointment to the City Council or any other City board, commission, or committee prior to said appointment or reappointment. An individual not eligible for appointment or reappointment shall not be approved.

13) Review not less than annually an inventory of City assets.

14) Review not less than annually a report on business licenses issued by the City.

15) Review licensing fees and all other City fees on an annual basis and make recommendations for any adjustments, subject to approval by the Board.

16) Annually review the status of tax collections and outstanding property taxes owed to the City and report findings to the Board. The City must undergo a complete reappraisal of all property within all property classes within the City, to be implemented for the 2018 Assessment Roll. The City must maintain adequate assessment records in compliance with State Statute, State Tax Commission Rules and State Tax Commission Guidelines.

17) Review and recommend approval of all asset sales to the Board. Absent Board approval to do otherwise, the net proceeds from all asset sales shall be deposited in the City's pension funds, if at the time of the asset sale the City's pension funds are not fully funded. Additionally, City owned parcels shall be

appraised prior to sale and sold by a sealed bid process absent approval by the Board to sell by another method.

18) Review election precinct sites and approve expenses associated with elections, consistent with the budget then in effect for the City.

19) Review and approve proposed economic and redevelopment projects recommended for approval by the City Administrator, subject to the approval of the Board.

20) Approve intergovernmental agreements and service consolidation plans recommended by the City Administrator, subject to the approval of the Board.

21) Comply with local ordinance concerning the purchase of and contract for goods and services.

22) Approve any changes to the job description of the City Administrator, any contract with the City Administrator, and any policies or procedures applicable to the City Administrator with the approval of the Board.

(b) **The City Administrator shall implement all of the following financial best practices within the City and do all of the following**:

1) Fulfill the responsibilities and duties of Emergency Manager Order Number 3, dated April 10, 2015.

2) Be responsible for effectively overseeing the day-to-day operations of the City, consistent with Emergency Manager Orders.

3) Be the sole authority concerning modifications to compensation, including appointed officers and other City employees. This provision does not apply for elected officers within the City.

4) Notwithstanding the provisions of paragraph 20 of Emergency Manager Order No. 3 (issued April 10, 2015), termination of any department head shall require the approval of the Board.

5) Negotiate and recommend approval to the Board proposed collective bargaining agreements, subject to limitations on collective bargaining under MCL 141.1567(3).

6) Submit regular reports to the Mayor, City Council, and Board regarding the overall operation and direction of the City and regularly report on his or her activities to the Mayor, the City Council, and the Board.

7) Serve as the official City representative to the Board on behalf of the Mayor and the City Council.

8) Work with the City Council, the Mayor, and other City or State officials to successfully transition the City from receivership and eliminate financial stress within the City.

9) Ensure that the City is in full compliance with Public Act 436, all Emergency Manager Orders, local ordinances, and applicable state and federal laws.

10) The City Administrator may be removed only in accordance with the provisions set forth by Emergency Manager Orders and the City Administrator's Employment Agreement. Complaints or grievances against the City Administrator from the Mayor or City Council shall be provided to the City Administrator in writing. The City Administrator may not be terminated, suspended, or placed on administrative leave without the approval of the Board.

11) Shall observe and comply with the Purchasing Ordinance, Ordinance #3865 However in the event that the Board documents abuse of the process outlined

in ordinance, the Board may resolve to review all purchases over $15,000.00. If this occurs, Board approval is required in addition to approvals required by ordinance.

12) Provide to the Mayor, City Council, and the Board by the 20th calendar day following the end of each month, or when directed by the Board, monthly budget-to-actual reports, balance sheets, and a cash balances report by fund and by bank account, as prepared by the Finance Director. These reports are to be reviewed monthly with the Mayor. Additionally, if requested by the Board, monthly reports shall be submitted to the Board which detail all of the overtime expenses that the City has incurred during the previous 30 days.

13) Provide the Board with a plan to address and resolve all deficiencies reported in the most recent audited financial statements.

14) Serve as the primary contact between the Mayor, City Council, and the employees of the City.

15) Faithfully execute the duties of the City Administrator.

(c) **The Mayor, City Administrator, and City Council shall implement all of the following financial best practices within the City and do all of the following**:

1) Comply with all financial policies and ordinances, including but not limited to, the development and update of the Strategic Plan, Ordinance #3854; Development and Adoption of Biennial Budgets and Three-Year Financial Forecasts, Ordinance #3855; Amendment of Adopted Budgets, Ordinance #3856; Fund Balance Policy, Ordinance #3851; Budget Stabilization Fund, Ordinance #3853; Other Post-Employment Benefits, Ordinance #3852; and the Purchasing Ordinance, Ordinance #3865. Additionally, continue to adopt,

subject to Board approval, any policies and procedures necessary to implement best financial practices by the City.

2) Work with the Board to successfully transition the termination of receivership for the City by supporting, implementing, and maintaining the financial and operating plan and the reforms instituted by the City's emergency managers, including but not limited to, the financial and operating plan for the City and by providing appropriate training and explanation of City operations.

3) Provide to the Board, in a timely manner, any documents, records, or other information requested by the Board or its staff. Appear before the Board to provide testimony, documents, records or other information when requested by the Board or its staff.

4) Per previously adopted Orders, continue to develop and maintain a rolling five-year financial operations plan, in coordination with the City Administrator and City Finance Director, and ensure that the financial operations plan is prepared in accordance with applicable law. The five-year financial operations plan and any subsequent amendments are subject to Board approval.

5) Per previously adopted Orders, continue to develop and maintain a rolling six-year Capital Improvements Plan (CIP), in coordination with the City Planning Commission and ensure that the CIP is prepared annually in accordance with applicable law. The CIP, and any subsequent amendments, are subject to approval by the Board.

6) Annually budget for and receive training on the Open Meetings Act, effective meeting management and parliamentary procedures, council-manager relations, analyzing financial statements, and reports from professionally

recognized organizations. Notwithstanding the provisions of Emergency Manager Order No. 4, issued April 10, 2015, City Council members shall complete Level One of the Michigan Municipal League (MML) Core Courses for Municipal Government within one year following the appointment of the Board. In the event a City Council member fails to complete any of these training requirements, all compensation shall be reduced by 20%. The City will pay for training costs. Budget for and ensure that all planning commissioners, zoning board of appeals members, and members of the board of review annually receive proper training to assist them in the fulfillment of their roles and responsibilities and remove members who fail to receive adequate training.

7) Annually review, upon preparation and adoption of the budget, all fees and make recommendations subject to approval of the Board. Should the City Council fail to adopt a budget by the first (1st) Monday in June, fail to approve a proposed budget amendment in a timely manner, or fail to ratify a fee schedule recommended by the City Administrator, the City Administrator shall present such budget, budget amendment, or fee schedule to the Board for approval, and the Board may approve the budget, budget amendment, or fee schedule on behalf of the City.

8) Continue to implement any steps necessary to successfully complete the district court consolidation process.

9) Take all steps necessary to successfully establish, develop, and complete the Karegnondi Water Authority (KWA) project.

10) Take action at the same meeting on all items duly submitted by the City Administrator to the City Council agenda unless the City Administrator agrees that the items should be postponed to the next subsequent meeting.

11) All City elected officials, officers, and employees shall abide by all State regulations and statutes.

(d) **Limitations upon the City Council, Mayor, and the City Administrator**:

1) The City Council, Mayor, or City Administrator shall not revise any Order that was implemented by the Emergency Manager during his or her term prior to one year after the termination of receivership. Amendments to Emergency Manager Orders may be made pursuant to the procedures identified in Section 5.

2) There shall be no funding for the Office of the Ombudsman or the Civil Service Commission.

5. Except as otherwise provided in this paragraph, the power to rescind or amend any order issued by the Emergency Manager shall rest solely with the Board, with approval by the State Treasurer, to the extent permitted under PA 436. This Order may be amended, modified, repealed, or terminated by a subsequent Order issued by an Emergency Manager.

6. This Order amends all previous Emergency Manager Orders to the extent that they are inconsistent.

7. This Order shall have immediate effect.

Date: _____

By: _____
Gerald Ambrose
Emergency Manager
City of Flint

72 (Rev. 04-15)

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

April 30, 2015

Gerald W. Ambrose
Emergency Manager
Flint City Hall
1101 South Saginaw Street
Flint, MI 48502

NOTICE OF TERMINATION

Mr. Ambrose:

Pursuant to Section 9 of the Contract for Emergency Manager Services for the City of Flint that was executed on January 13, 2015, I hereby issue this Notice of Termination, effective April 30, 2015. Upon the effective date of this Notice, you are expected to adhere to the following guidelines:

- Cease work under this Contract.
- Incur no further costs.
- Submit all records, reports, and other documentation as specified by the State; follow any directives made by the State concerning the safeguard and disposition of files and property.
- Submit a closing memorandum and final billing within thirty (30) days. This will be paid within thirty (30) days.

On behalf of the State of Michigan, thank you for your service.

Sincerely,

Rick Snyder
Governor

72 (Rev. 04-15)

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

April 30, 2015

The Honorable Ruth Johnson
Secretary of State
Office of the Great Seal
Michigan Department of State
Lansing, MI 48909

Dear Secretary Johnson:

Please be advised of the following appointments to office to be effective April 30, 2015.

City of Flint Receivership Transition Advisory Board

Frederick Headen, County of Ingham, representing the State Treasurer, is appointed for a term commencing April 30, 2015, and expiring at the pleasure of the Governor.

Brian Larkin, County of Genesee, representing the Director of the Department of Technology, Management, and Budget, is appointed for a term commencing April 30, 2015, and expiring at the pleasure of the Governor.

David McGhee, County of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 30, 2015, and expiring at the pleasure of the Governor.

Dr. Beverly Walker-Griffea, County of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 30, 2015, and expiring at the pleasure of the Governor.

Dr. Robert McMahan, County of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 30, 2015, and expiring at the pleasure of the Governor.

These appointees shall take and file with the Office of the Great Seal an oath of office before commencing their duties as members of the Receivership Transition Advisory Board.

The State Treasurer, or his or her designee appointed to represent the State Treasurer, shall serve as chairperson of the Flint Receivership Transition Advisory Board. In addition to the duties assigned to a Receivership Transition Advisory Board by Section 23(5) of Public Act 436 of 2012, the Local Financial Stability and Choice Act, the Flint Receivership Transition Advisory Board shall perform the following duties:

1. Fulfill the Board responsibilities outlined in all Emergency Manager Orders, including ORDER No. 20.

2. Recommend amendments, modifications, repeal, or termination of Emergency Manager Order No. 20, or any other Flint Emergency Manager orders, to the State Treasurer. Recommended amendments, modifications, repeal, or termination of Emergency Manager Orders must be approved by the State Treasurer before any such modification becomes effective.

3. Conduct a formal annual evaluation of the City's operational and financial progress by identifying strengths, weaknesses, benchmarks achieved, and benchmarks not yet achieved, including a list of specific recommendations, potential resources available to assist City officials, and any other constructive feedback that informs City officials, residents, and other stakeholders concerning how the City can promote and ensure its long-term sustainability.

Finally, pursuant to Section 22(4) of the Act, I impose upon the City the following conditions which must be satisfied before it is removed from receivership, unless subsequently waived by me:

1. The implementation of financial best practices as adopted by the financial officials' association.

2. After study by the Mayor and the City Council, and in consultation with the Receivership Transition Advisory Board, the City shall enact changes in the current charter through charter amendments or charter revision that are consistent with applicable model charters and model charter amendments and in the City's best financial interests.

3. The completion by City officials of financial and managerial training to ensure that official responsibilities are properly discharged.

Sincerely,

Rick Snyder
Governor

From:	Storberg, Ann Marie (TREASURY)
Sent:	Tuesday, April 28, 2015 2:21 PM
To:	Muchmore, Dennis (GOV); Clement, Elizabeth (GOV)
Cc:	Wurfel, Sara (GOV); Stanton, Terry A. (Treasury); Gelisse, Ashley (TREASURY); Saxton, Thomas (Treasury); Workman, Wayne (MSHDA); Koryzno, Edward (Treasury); Khouri, Nick (TREASURY); Redford, James (GOV); Bedan, Morgan (GOV); Sampson, Jeremy (TREASURY); Wisniewski, Wendy (GOV); Lukasik, Liz (GOV); Breslin, Brian (GOV); Harden, Carolyn (GOV); Byrne, Randall (Treasury); Headen, Frederick (Treasury); Rospond, Laurie (GOV); Stoken, Laura (GOV)
Subject:	City of Flint EM Transition Plan for TODAY & TOMORROW - Materials and Communication Plan
Attachments:	UPDATED Flint_RTAB Comms Plan 4-29-15.doc; Flint EM Termination Letter.docx; Flint RTAB Apointment Letter v4 04-28-15 (2).docx

Dennis & Beth,

PLEASE NOTE REVISIONS TO DATES FROM MY PREVIOUS EMAIL (DATES HAVE MOVED UP BY ONE DAY). SEE REVISED COMMS PLAN ATTACHED.

With the exception of the change in date, the following events outlined below are unchanged from my email sent out this past Friday.

The proposed schedule for today (April 28th) and tomorrow (April 29th) – items listed in order of occurrence:

1. Today – City of Flint's Emergency Manager (EM) Jerry Ambrose issues letter to Governor declaring the financial emergency in the city has been rectified. He will also recommend that a Receivership Transition Advisory Board (RTAB) be appointed in the city.

2. On April 29th, EM Jerry Ambrose issues final order *[this document has been revised from the previous draft sent last week – I will distribute final version of the EM's final order as soon as it is available]* outlining duties of the mayor, city council and soon-to-be-appointed RTAB, effective immediately. This needs a time stamp, either through the Clerk or by transmitting it in an email. Jerry to notify Treasury of issuance.

3. ONLY AFTER NOTIFICATION OF FINAL ORDER BEING ISSUED - Governor's Office issues termination letter to Jerry Ambrose. A copy of the letter is attached. Transmittal of signed letter by email to include a time stamp.

4. AFTER CONFIRMATION OF TERMINATION LETTER BEING SENT - Governor's Appointments Office transmits appointment letter for RTAB. A copy of the letter is attached.

Summary of Governor's Transition Advisory Board Appointment Letter –

The Governor's letter appointing the RTAB contains the following requirements: enforcement of the requirements contained in the EM's final order; recommendation of modifications or termination of the EM's final order; formal evaluation of the City's financial and operational progress and sharing of that information with city officials, residents and stakeholders. The letter also contains conditions which must be satisfied before receivership is waived. These are implementing the Financial Officials Association best practices; implement charter amendments consistent with applicable model charters, and completion of financial and managerial training by city officials.

Pursuant to the updated Communication Plan, a press avail is scheduled for 1:30 pm on Wednesday, April 29th.

Please do not hesitate to let me know if you have any questions. Thank you.

Ann Storberg
Senior Advisor to State Treasurer
Michigan Department of Treasury
430 West Allegan Street
Lansing, MI 48922
Office (517) 373-6638
[redacted]
StorbergA@michigan.gov
NOTICE: *This message is intended for the named recipient(s) only and may contain confidential, privileged, or private information exempt from disclosure under Michigan law. If you have received this message in error, do not forward, share, save or duplicate it. Please reply and notify me of the error in transmission and then delete the message. Thank you..*

89 (Rev. 11-13)

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

R. KEVIN CLINTON
STATE TREASURER

UPDATED Communication Plan for Flint RTAB Announcement

On **Wednesday, April 29, 2015**, Gov. Snyder will announce that the financial emergency in the city of Flint has been sufficiently resolved and that he is appointing a Receivership Transition Advisory Board (RTAB) to help ensure a smooth transition to local control and guide the city to continued financial stability.

Tuesday, April 28 approx. 3:00 p.m.

- EM Jerry Ambrose sends a letter to Gov. Snyder, indicating he has determined the financial emergency in Flint to be sufficiently rectified and recommending appointment of a Receivership Transition Advisory Board (RTAB), pursuant to Public Act 436 of 2012.
- Treasury Comms issues press advisory for Wednesday morning's ELB meeting.

Wednesday, April 29 8:30 a.m.

- Emergency Loan Board meets to consider $7 million emergency loan for the City of Flint (Ambrose attends).

Approx. 10:30 a.m.

- Jerry Ambrose discusses final order with Mayor and City Council (individually). The Final Order outlines authority of the Mayor, City Council, and the RTAB.
- Treasury Communications issues advisory for 1:00 pm press avail.

Approx. 11:30 a.m.

- Jerry Ambrose issues Final Order (Order needs a time stamp, via City Clerk or e-mail)…notifies Treasury of issuance.
- Dep. Treasurer Workman and Ambrose speak with Ron Fonger, Flint Journal, under embargo until 12:45 p.m.

12:00 p.m.

- Following notification from Treasury that the final order has been issued, Governor's Office sends **termination letter** to EM (emailed to include time stamp).

12:15 p.m.

- Following confirmation that the Governor's **termination letter** has been sent, Governor's Appointments Office **sends Flint RTAB appointment letter**.

12:15 p.m.

- Governor's Legislative Office (DP) contacts SML, Speaker, and Flint legislators (Sen. Ananich and Reps. Neely and Phelps) and Governor's Comms contacts Leg. Comms.
- Governor's Office (Harvey) and Jerry Ambrose contact stakeholders.

Suggested message: ***"Gov. Snyder will today, announce that Jerry Ambrose has concluded his work as EM in the City of Flint and that the Governor will appoint a Receivership Transition Advisory Board (RTAB) to ensure a smooth transition to local control and guide the city to continued financial stability."***

1:30 p.m.

- Deputy State Treasurer Wayne Workman, Jerry Ambrose, Mayor Walling, and Council President Josh Freeman hold press avail at Flint City Hall to announce the Governor agrees with Ambrose's determination and appointment of RTAB…and to discuss EM accomplishments, final order, role of RTAB, etc.
- Governor's Office issues press release (simultaneously with avail).
- E-mail communication to ALL Flint city staff from JA.

April 29, 2015

Gerald W. Ambrose, Emergency Manager
Flint City Hall
1101 South Saginaw Street
Flint, MI 48502

NOTICE OF TERMINATION

Mr. Ambrose:

Pursuant to Section 9 of the Contract for Emergency Manager Services for the City of Flint that was executed on January 13, 2015, I hereby issue this Notice of Termination, effective April 29, 2015. Upon the effective date of this Notice, you are expected to adhere to the following guidelines:

- Cease work under this Contract.
- Incur no further costs.
- Submit all records, reports, and other documentation as specified by the State; follow any directives made by the State concerning the safeguard and disposition of files and property.
- Submit a closing memorandum and final billing within thirty (30) days. This will be paid within thirty (30) days.

On behalf of the State of Michigan, thank you for your service.

Sincerely,

Rick Snyder
Governor

April 29, 2015

The Honorable Ruth Johnson
Secretary of State
Office of the Great Seal
Michigan Department of State
Lansing, MI 48909

Dear Secretary Johnson:

Please be advised of the following appointments to office to be effective April 29, 2015.

City of Flint Receivership Transition Advisory Board

Frederick Headen, County of Ingham, representing the State Treasurer, is appointed for a term commencing April 29, 2015, and expiring at the pleasure of the Governor.

Brian Larkin, County of Genesee, representing the Director of the Department of Technology, Management, and Budget, is appointed for a term commencing April 29, 2015, and expiring at the pleasure of the Governor.

David McGhee, County of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 29, 2015, and expiring at the pleasure of the Governor.

Dr. Beverly Walker-Griffea, County of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 29, 2015, and expiring at the pleasure of the Governor.

Dr. Robert McMahan, County of Genesee, representing a member with relevant professional experience, is appointed for a term commencing April 29, 2015, and expiring at the pleasure of the Governor.

These appointees shall take and file with the Office of the Great Seal an oath of office before commencing their duties as members of the Receivership Transition Advisory Board.

The State Treasurer, or his or her designee appointed to represent the State Treasurer, shall serve as chairperson of the Flint Receivership Transition Advisory Board. In addition to the duties assigned to a Receivership Transition Advisory Board by Section 23(5) of Public Act 436 of 2012, the Local Financial Stability and Choice Act, the Flint Receivership Transition Advisory Board shall perform the following duties:

1. Fulfill the Board responsibilities outlined in all Emergency Manager Orders, including ORDER No. 20.

2. Recommend amendments, modifications, repeal, or termination of Emergency Manager Order No. 20, or any other Flint Emergency Manager orders, to the State Treasurer. Recommended amendments, modifications, repeal, or termination of Emergency Manager Orders must be approved by the State Treasurer before any such modification becomes effective.

3. Conduct or cause to be conducted a formal annual evaluation of the City's operational and financial progress by identifying strengths, weaknesses, benchmarks achieved, and benchmarks not yet achieved, including a list of specific recommendations, potential resources available to assist City officials, and any other constructive feedback that informs City officials, residents, and other stakeholders concerning how the City can promote and ensure its long-term sustainability.

Finally, pursuant to Section 22(4) of the Act, I impose upon the City the following conditions which must be satisfied before it is removed from receivership, unless subsequently waived by me:

1. The implementation of financial best practices as adopted by the financial officials' association.

2. After study by the Mayor and the City Council, and in consultation with the Receivership Transition Advisory Board, the City shall enact changes in the current charter through charter amendments or charter revision that are consistent with applicable model charters and model charter amendments and in the City's best financial interests.

3. The completion by City officials of financial and managerial training to ensure that official responsibilities are properly discharged.

Sincerely,

Rick Snyder
Governor

From: Hollins, Harvey (GOV)
Sent: Tuesday, October 13, 2015 5:28 PM
To: Muchmore, Dennis (GOV)
Cc: Wurfel, Sara (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Redford, James (GOV); Posthumus, Dick (GOV); Lange, Michelle (GOV); Wisniewski, Wendy (GOV); Thomet, Ruth (GOV); Rospond, Laurie (GOV)
Subject: Re: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

I agree.

Given the Flint River was already set as a backup source for Flint, did the Michigan Department of Environmental Quality need to give the go ahead to the city to start using the Flint River as its source of drinking water, or was DEQ simply in the position to certify testing of the source for use?

On Oct 13, 2015, at 4:49 PM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

> This guy has already been told they don't have the documents requested. Hard to send him something they don't have.
>
> ---
>
> **From:** Wurfel, Sara (GOV)
> **Sent:** Monday, October 12, 2015 2:25 PM
> **To:** Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Lange, Michelle (GOV) <LangeM3@michigan.gov>
> **Cc:** Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV) <ThometR@michigan.gov>; Rospond, Laurie (GOV) <rospondl@michigan.gov>
> **Subject:** RE: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint
>
> And looping in leg team here too … hit send too fast earlier.
>
> ---
>
> **From:** Wurfel, Sara (GOV)
> **Sent:** Monday, October 12, 2015 2:24 PM
> **To:** Dennis Muchmore <muchmored@michigan.gov>; Beth Clement <clemente@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>
> **Cc:** Wendy Wisniewski <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV) <ThometR@michigan.gov>
> **Subject:** FW: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint
> **Importance:** High
>
> Please see below. Making sure I understand full back story on this, but FYI.
>
> Let me know if anyone has additional background or insight, otherwise tracking down with DEQ.
>
> ---
>
> **From:** Gary Ridley [mailto:GRIDLEY@mlive.com]
> **Sent:** Monday, October 12, 2015 1:39 PM

To: Bitely, Andrea (AG) <BitelyA@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

Hi,
I wanted to see if the state had any comment in response to this lawsuit.

Thanks.

--
Gary Ridley | The Flint Journal-MLive Media Group | 810-280-9516 | gridley@mlive.com

---

From: Rosemary Jones [mailto:RJones@house.mi.gov]
Sent: Monday, October 12, 2015 1:33 PM
To: Rosemary Jones
Subject: Rep. Phelps Files Suit Against State of Michigan, City of Flint

FOR IMMEDIATE RELEASE
Monday, Oct. 12, 2015

Contact: Rep. Phil Phelps
Phone: (517) 373-7515

Rep. Phelps Files Suit Against State of Michigan, City of Flint

State, city failed to release documents sought in FOIA request

LANSING — State Representative **Phil Phelps** (D-Flushing) announced earlier today that he is filing suit against the state of Michigan and the city of Flint to force them to release public documents he requested last month under the Freedom of Information Act (FOIA).

"It's an absolute shame that I have to file suit to force our government to comply with the law," Phelps said. "I was shocked at their response, because prior to receiving the denials, officials from both the city and state had told me that not only did documents exist, but they would be happy to share them with me."

On Sept. 4 of this year, Phelps requested that the city and state turn over all documents and emails regarding the permit and application process that Flint's emergency manager was required to complete before the Michigan Department of Environmental Quality gave the go ahead to the city to start using the Flint

River as its source of drinking water. Late last month, the state and the city both denied Phelps' request, saying that no such documents exist.

In March and April of 2014, officials from both the city and state were also quoted in several articles on Mlive.com, making comments about the permit application process for Flint to switch its source of drinking water from Detroit's system to the Flint River.

"I want to know what these officials knew about the safety and quality of the river water before the switch was made. Judging by their response and recent actions, it almost seems they knew a lot more than they are letting on to," Phelps said. "Flint residents deserve better than this, they deserve to know the truth about the decisions that were made, and if I have to fight this in court to get the truth, so be it."

###

Rosie Jones
Deputy Press Secretary
Michigan House Democrats
O: 517.373.3731
[redacted]
housedems.com

From: Workman, Wayne (TREASURY)
Sent: Wednesday, July 29, 2015 8:36 AM
To: Muchmore, Dennis (GOV); Wurfel, Brad (DEQ); Lyon, Nick (DCH); Clement, Elizabeth (GOV)
Cc: Saxton, Thomas (Treasury); Wisniewski, Wendy (GOV)
Subject: FW: Updated Memo on Water Coalition Questions - July 29
Attachments: Memo on Water Coalition Questions III.07-29-15.docx; Flint Water Rate History FINAL 02.11.15.pdf

Importance: High

All, Attached is a memo and water rate summary answering several of the questions raised by the Flint pastors. Please let me know if you have any questions. Wayne

Wayne L. Workman
Deputy State Treasurer
Michigan Department of Treasury

From: Cline, Richard (Treasury)
Sent: Wednesday, July 29, 2015 8:21 AM
To: Workman, Wayne (TREASURY)
Cc: Dempkowski, Angela (Treasury); Byrne, Randall (Treasury)
Subject: Updated Memo on Water Coalition Questions - July 29
Importance: High

Wayne,

Attached is the water rate table you asked for and I have updated the memo to reference this as an attachment.

If you need anything else, please let me know.

Note that Rob, Randy and I will be in Benton Harbor for a portion of today conducting their annual RTAB evaluation.

Eric Cline | Department Manager
State of Michigan | Michigan Department of Treasury | Office of Fiscal Responsibility
430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
Lansing Office (517) 335-2078 | [redacted] | Traverse City Office (231) 922-5228
E-mail clinerl@michigan.gov

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STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

TO: Randall Byrne, State Administrative Manager; Office of Fiscal Responsibility

FROM: Eric Cline, Department Manager; Office of Fiscal Responsibility

SUBJECT: Questions Regarding City of Flint Water System

DATE: July 28, 2015

At a July 23, 2015 meeting, Deputy Treasurer Workman posed several questions regarding the City of Flint's water system. This memo is a response to those questions.

The annual cost to the City of Flint to reconnect to the DWSD system

In a March 3, 2015 memo to Deputy Treasurer Workman, Emergency Manager Ambrose noted that he had been informed by DWSD that such a reconnection would immediately levy a fixed cost on the City of $10.1-million per year.

Actual water purchases would be in addition to the fixed cost fee and would be dependent upon actual usage, but the annual cost was estimated to be as high as $1-million/month; making the entire total of a one year connection back to DWSD as high as $22-million. This cost would be reduced to approximately $19-million/year once the City's $3-million annual expense of operating the water system itself was offset.

These calculations were outlined in a March 2015 memo from the Emergency Manager to Deputy Treasurer Workman and update cost projections provided in a February 11, 2015 memo to Chief Deputy Treasurer Tom Saxton.

The Emergency Manager also stated his concern that for the City to be able to pay these costs that water rates charged to Flint residents would need to be increased by a minimum of 30%. Water rate increases between 2010 and 2015 are illustrated in the table attached.

In addition, DWSD was requiring that the City of Flint negotiate a 30-year contract for the provision of back-up services.

The City of Flint's degree of participation in the management of the KWA system

Mayor Dayne Walling is the City's official representative to the Karegnondi Water Authority (KWA). The participation of the Mayor as the official representative for the City of Flint is established in the KWA Articles of Incorporation. Mayor Walling is the current Chair of the Board of the KWA Board of Directors.

Continued use of Flint River water after the City is connected to the KWA system

The City Administrator has confirmed that once the City is fully connected to the KWA system they will no longer continue to use Flint River water.

The Flint River, however, will be the City's primary back-up water source in the event that a major disruption in the KWA system temporarily prevents the City from receiving water.

The process used to hire Veolia

Veolia responded on January 29, 2015, to a Request for Proposal issued by the City of Flint. Emergency Manager Ambrose made the final decision to retain Veolia.

The importance of hydrant flushing

Fire hydrant flushing is an important part of distribution system maintenance. It is useful in determining flow conditions in water mains.

According to information from the American Water Works Association (AWWA), there are two types of hydrant flushing utilized. The most comprehensive method is fire-flow testing.

Fire-flow testing requires hydrants to be opened, flushed, pressure and flow data to be collected and the potential fire flow at a particular point in a water main to be determined.

Hydrant flushing permits any debris to be cleared from a water main. They process of collecting fire flow data allows the determination of water pressure and flow capabilities for fighting fires at any location within a distribution system. It can also help determine the general condition of a system by detecting reduced water flows in a given area.

Status of the GAC carbon filter installation

Six of the twelve filters will be operational by no later than the first week of August.

Activation of the filters is expected to immediately drop the levels of TTHM within the system.

The remaining six filters are projected to be installed and operational by the end of August.

Status of the DuPont Street Water Main Replacement

After an internal review, the City made the decision to rebid this project.

There were multiple reasons for this decision, which included interference with current road projects, the determination that project bids were too high, and bidding timelines which were not favorable to secure quality bids or contractors.

This project will be rebid by the City later this fiscal year.

If you have any questions or need additional information on this topic, let me know. Thank you.

Attachment

<< AUTO PATH >>

City of Flint Water Rate History

Year (Date Effective)	Average Monthly Water/Sewer Bill*	Percentage Change in Water/Sewer Rates	Water Fund** Total Operating Revenue	Water Fund** Unrestricted Net Position	Water Fund** Capital Improvements
2010	$64	12%	$31,956,754	-$5,795,973	$2,091,160
1/15/2011	$82	29%	$36,762,663	-$12,443,265	$1,403,916
9/16/2011	$111	35%			
7/1/2012	$111	26%	$44,854,439	-$8,758,091	$755,681
2013	$140	0%	$49,903,868	$834,447	$147,462
07/01/13 to 06/30/14	$140	0%	$43,552,152	$760,745	$3,301,700
07/01/14 to 06/30/15	149***	6%	N/A	N/A	N/A

Note* Water rate information is based on average usage of 7 units per month with a 5/8" residential remote meter.
Note** Water fund information was compiled from the City of Flint's CAFR filed with the Michigan Department of Treasury.
Note*** Billing breakdown contained in attached memo.

From: Muchmore, Dennis (GOV)
Sent: Monday, August 03, 2015 11:52 AM
To: Lyon, Nick (DCH); Workman, Wayne (TREASURY); Wurfel, Brad (DEQ); Clement, Elizabeth (GOV); Hollins, Harvey (GOV)
Cc: Saxton, Thomas (Treasury); Wisniewski, Wendy (GOV); Grijalva, Nancy (DCH)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

Can I reprint Nancy's email?

From: Lyon, Nick (DCH)
Sent: Friday, July 31, 2015 10:57 AM
To: Muchmore, Dennis (GOV); Workman, Wayne (TREASURY); Wurfel, Brad (DEQ); Clement, Elizabeth (GOV); Hollins, Harvey (GOV)
Cc: Saxton, Thomas (Treasury); Wisniewski, Wendy (GOV); Grijalva, Nancy (DCH)
Subject: Re: Updated Memo on Water Coalition Questions - July 29

Our Public Health staff followed up a bit more on the lead question. Below is their email update to me.

From: Grijalva, Nancy (DCH)
Sent: Wednesday, July 29, 2015 11:23 AM
To: Lyon, Nick (DCH)
Subject: FW: Director's Office Assignment -- Flint - need update asap
FYI.....
-----Original Message-----
From: Peeler, Nancy (DCH)
Sent: Tuesday, July 28, 2015 2:57 PM
To: Anderson, Paula (DCH); Miller, Corinne (DCH); Travis, Rashmi (DCH); Moran, Susan (DCH); Grijalva, Nancy (DCH); Fink, Brenda (DCH)
Cc: Priem, Wesley F. (DCH); Dykema, Linda D. (DCH); Bouters, Janese (DCH); Barr, Jacqui (DCH)

Subject: RE: Director's Office Assignment -- Flint - need update asap

I apologize for the delay in responding more specifically to this assignment, it took some time to review our Childhood Lead Poisoning Prevention program data to see if it might contribute to the understanding of the situation in Flint with their water supply. Here is what we found:

We looked at lead testing results for May 2014-April 2015, which is the 12 month time frame just after Flint started drawing their water from the river (water source changed in April 2014).

We compared lead testing rates and lead testing results to the same time frame for the previous 3 years, to see if there were any patterns that suggested that there were increased rates of lead poisoning after the water supply was switched. Per the attached charts –

- Lead testing rates remained about the same from year to year (chart on the right).
- There was a spike in elevated blood lead tests from July-September 2014 (chart on the left, gold line).

- However that pattern was not terribly different from what we saw in the previous three years, especially in 2011-2012 (we are working with our Epidemiologist to statistically verify any significant differences).
- We commonly see a 'seasonal effect' with lead, related to people opening and closing windows more often in the summer, which disturbs old deteriorating paint on the windows, sills and sashes. Window fans frequently blow and spread the lead dust from the deteriorating paint to other parts of the room/house. We suspect that the summer data spike may be related to this effect.
- If the home water supply lines and/or river water were contributing to elevated blood lead tests, we expected that the increased rates would extend beyond the summer, but they drop quite a bit from September to October, stayed low over the winter, and are just starting to tail up again in the spring of 2015.

So upon review, we don't believe our data demonstrates an increase in lead poisoning rates that might be attributable to the change in water source for Flint. We recognize that lead exposure via the water is only a small piece of what may be happening for families in Flint, however, we hope the information is helpful.

Nancy Peeler

From: Muchmore, Dennis (GOV)
Sent: Wednesday, July 29, 2015 9:02 AM
To: Workman, Wayne (TREASURY); Wurfel, Brad (DEQ); Lyon, Nick (DCH); Clement, Elizabeth (GOV); Hollins, Harvey (GOV)
Cc: Saxton, Thomas (Treasury); Wisniewski, Wendy (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

I think this information is very helpful. It will not answer the main question about the quality of the water (DEQ is working on that through Brad I believe), and the color and smell of the present water, but it does get us to the answers to the less subjective issues. Frankly, the only way the issues will be totally resolved is when the KWA comes on line and the water is perceived to be cleaner and healthier.
I am somewhat surprised that the leadership in Flint has not responded better to the community questions, which don't seem unreasonable at all. Seems like Harvey has a better network into some of the neighborhoods than the city does. The KWA PR department definitely needs to do some outreach or they're headed down the same road as DWSD. Do you know if they go out on a regular basis to the community and talk about the rates, costs, etc.?

From: Workman, Wayne (TREASURY)
Sent: Wednesday, July 29, 2015 8:36 AM
To: Muchmore, Dennis (GOV); Wurfel, Brad (DEQ); Lyon, Nick (DCH); Clement, Elizabeth (GOV)
Cc: Saxton, Thomas (Treasury); Wisniewski, Wendy (GOV)
Subject: FW: Updated Memo on Water Coalition Questions - July 29
Importance: High

All, Attached is a memo and water rate summary answering several of the questions raised by the Flint pastors. Please let me know if you have any questions. Wayne

Wayne L. Workman
Deputy State Treasurer
Michigan Department of Treasury

From: Cline, Richard (Treasury)
Sent: Wednesday, July 29, 2015 8:21 AM
To: Workman, Wayne (TREASURY)
Cc: Dempkowski, Angela (Treasury); Byrne, Randall (Treasury)
Subject: Updated Memo on Water Coalition Questions - July 29
Importance: High

Wayne,

Attached is the water rate table you asked for and I have updated the memo to reference this as an attachment.

If you need anything else, please let me know.

Note that Rob, Randy and I will be in Benton Harbor for a portion of today conducting their annual RTAB evaluation.

Eric Cline | Department Manager
State of Michigan | Michigan Department of Treasury | Office of Fiscal Responsibility
430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
Lansing Office (517) 335-2078 | [redacted] | Traverse City Office (231) 922-5228
E-mail clinerl@michigan.gov

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From: Saxton, Thomas (Treasury)
Sent: Tuesday, September 29, 2015 8:36 AM
To: Wisniewski, Wendy (GOV)
Subject: FW: KWA & Water Quality Chronology Timeline
Attachments: KWA & Water Quality Chronology Timeline.09-28-15.docx

Importance: High

Wendy – I should of "cc'd" on this... to make sure Dennis sees it or doesn't miss it.

From: Saxton, Thomas (Treasury)
Sent: Monday, September 28, 2015 5:57 PM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>
Cc: Khouri, Nick (TREASURY) [redacted] Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Stanton, Terry A. (Treasury) <StantonT@michigan.gov>; Wurfel, Brad (DEQ) <WurfelB@michigan.gov>
Subject: FW: KWA & Water Quality Chronology Timeline
Importance: High

Dennis – attached is a first draft of a timeline. We will refine it tomorrow. We rec'd some info from Brad that we might need to incorporate. And Terry & Wayne's staff are still coming up with dates/events. Please let us know if this is what you had in mind.

Terry found these links; including an article when City Council approved the move/switch. There are some noteworthy quotes.

http://blog.mlive.com/newsnow_impact/print.html?entry=/2013/03/flint_city_council_approves_re.html

http://www.mlive.com/news/flint/index.ssf/2012/10/construction_permit_approved_s.html

Flint City Council approves resolution to buy water from Karegnondi, state approval still needed

Dominic Adams | dadams5@mlive.com By **Dominic Adams** | dadams5@mlive.com The Flint Journal

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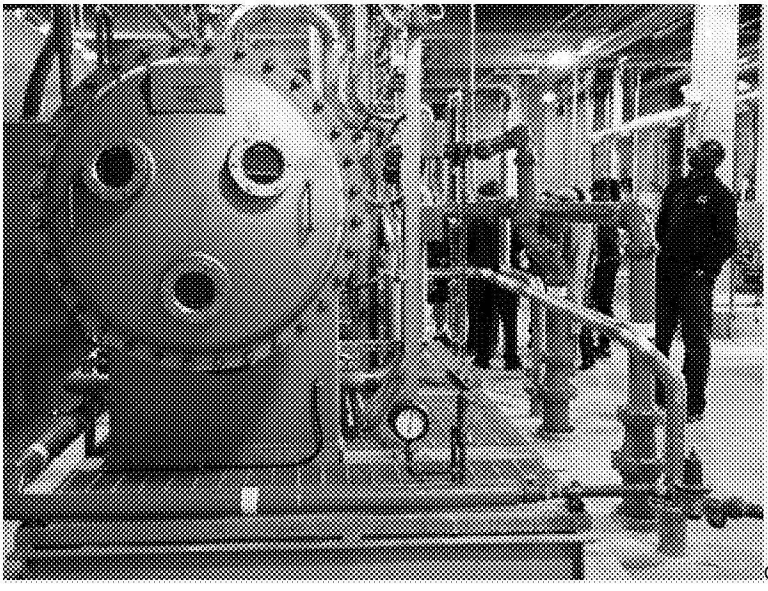
on March 25, 2013 at 10:45 PM, updated March 26, 2013 at 1:28 AM



Guests get a look at an ozone generator at the Flint Water Treatment Plant during a public tour in this file photo. MLive.com File Photo

FLINT, MI – Flint is one step closer to getting its water from Lake Huron as part of the Karegnondi Water Authority.

The vote, **approved 7-1 at the Flint City Council meeting Monday, March 25**, may have set in motion the end to Flint paying to get its water from Detroit.

Under the proposal, Flint would get 16 million gallons per day of raw water from Lake Huron, pipe it to Flint for treatment and then sell it to customers throughout the city. Another 2 million gallons per day would come from the Flint River and will be treated in Flint.

Mayor Dayne Walling said the Department of Environmental Quality must approve Flint's getting 2 million gallons per day from the Flint River.

Tuesday's meeting followed weeks of discussions and special meetings surrounding the resolution.

"We got there," Councilman Joshua Freeman said. "That's the important thing."

There were more than 50 people at Monday's meeting.

"Going with Karegnondi is the best decision. We have no opinion on the economics of the decision," said Rebecca Fedewa, Flint River Watershed Coalition executive director. "If we start drawing water out of the Flint River, we are at risk of having to start releasing water from our reservoirs."

Genesee County Drain Commissioner Jeff Wright said the decision must still be approved by a county water and waste advisory board. The KWA board will then be reconvened for final approval.

Wright said construction could start in May.

State treasury officials still must approve the city council's move because Flint has an emergency financial manager. All expenditures over $50,000 must be approved.

Genesee County Drain Commissioner Jeff Wright has said that Flint would pay roughly $6.4 million annually for water service if it joined the pipeline – a nearly $4 million savings on what it pays Detroit for water.

Walling previously said the **city would save $19 million over eight years** by getting water from the KWA.

"It's a historic night in the City of Flint," Walling said. "The savings will be less with the capacity level approved by city council because there will be increased treatment cost for the river water."

He said the DEQ told the city it needed to get 18 million gallons per day or there would have to be additional work done at Flint's water plant.

Flint's water plant and the Flint River is currently the backup for Flint and Genesee County, however, the plant only operates four times per year.

Councilman Bryant Nolden was the lone dissenting vote.

"It was a protest vote," Nolden said. "I knew they had enough votes. I just feel like the Flint River is our best option."

Karengnondi is the regional water authority that includes Genesee, Lapeer and Sanilac counties and the cities of Flint and Lapeer.

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Massive Karegnondi water project moving forward after state OKs pipeline tap into Lake Huron

Print

By Ron Fonger | rfonger1@mlive.com The Flint Journal
on October 01, 2012 at 7:00 AM, updated October 01, 2012 at 7:32 AM

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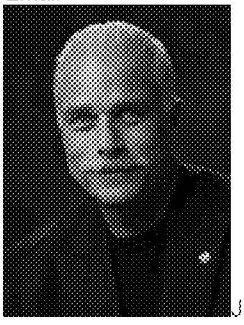

Jeff Wright

GENESEE COUNTY, MI -- The state has approved a critical permit that allows the Karegnondi Water Authority to tap into Lake Huron with a 1.5-mile underground intake.

But water authority officials are still waiting for Flint to decide if it will be part of it.

Construction on the intake -- estimated to cost $27 million -- might mark the no-turning-back point for the massive project, and county Drain Commissioner Jeff Wright said other developments make it necessary Flint to make a final decision on its involvement in the next few months.

As control of Flint has shifted from mayors and city councils to emergency managers, the city has never committed to buying a minimum volume of water from the KWA.

"The only question at this point really is whether Flint is going to be a partner," said Wright, who has met with emergency financial manager Ed Kurtz and wants to resolve the question before Kurtz leaves his position -- something likely to happen soon after the November election.
"I'd say we have a couple of months here," Wright said of Flint's deadline. He described Kurtz as positive about the city's potential involvement but said, "There's still some questions Flint is working on with Detroit and Lansing."

Kurtz said he can't predict what will happen.

"We're looking at all our options," Kurtz said Friday.
County Commissioner Ted Henry, D-Clayton Twp., said regardless of the city's participation, the pipeline can be built by the remaining partners: Genesee, Sanilac and Lapeer counties and the city of Lapeer.

"The answer is yes," Henry said. "It will be a little different but it can go,"

The drain commissioner said construction of the pipeline intake, which has already been designed, is expected to start this year, after the job is put out for bids and borrowing is authorized by the county Board of Commissioners.

Building the intake will be specialized work, part of which must be done from a barge, and will require building tunnels below the sand bottom of the lake and laying an 84-inch pipe below the surface of the water.

In addition to the state Department of Environmental Quality permit to build the intake, the KWA also needs approval from the U.S. Army Corp of Engineers, Wright said.

A 45-day public comment period on the intake permit has passed and county officials said they expect the permit to be approved within two weeks.

Among other recent developments in the pipeline project:

- The Genesee County Water and Waste Advisory Committee, made up of elected and appointed city, township and village officials, has voted unanimously to set a date for accepting public bids to build the intake.
- The same committee has approved negotiating a contract with Wade Trim to act as program manager for the pipeline project once all necessary permits have been received.
- The county has revised its estimate on the cost of the intake portion of the pipeline from $40 million to $27 million.

Wright said his office is ready to negotiate a contract for Wade Trim to oversee the pipeline work, and said he expects six or seven engineering and surveying companies to assist in getting the job done.

County officials count those jobs among the 1,000 that they say will be created by building the pipeline.

"I want to use local (people) wherever possible and keep the money here," Wright said.

The drain commissioner said the selection of Wade Trim is important to the city of Flint because it signals the start of engineering, which includes decisions about the size of pumps, motors and pipes that will be used to build the pipeline.

Flint officials have options, including the use of Flint River water, or continuing to purchase water from the city of Detroit.

Wright said the only choice for the rest of the county is build the pipeline or sign a 30-year contract with Detroit.

A KWA study claims that continuing to buy water from Detroit will cost the region $2.1 billion during the next 25 years. By building a pipeline, that cost would be $1.9 billion over the same period, the KWA Web site says.

After the initial 25-year period, the cost of water would be less than 25 percent of the projected cost of water form Detroit, according to KWA.

Ron Fonger can be reached at 810-347-9963. You can also follow him on Twitter @ronfonger or subscribe on Facebook.

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

Flint Water Timeline (09-28-15)

June 26, 2012 – Letter from Flint EM Mike Brown to DWSD for permission to begin blending Flint River water with treated water from DWSD. The letter indicates that the DEQ is supporting this option and its implementation would save the City between $2M and $3M annually.

September 20, 2012 – Letter from Flint EM Ed Kurtz to DWSD requesting written permission to implement the blending option. Approval is requested by October 1, 2012.

October 31, 2012 – Analysis by the Flint Finance Director suggests that the annual cost to purchase water from DWSD will steadily increase to $23M per year by fiscal year 2020.

November 2012 – Treasury retains Tucker, Young, Jackson and Tull (TYJT) to evaluate the KWA proposal to the City of Flint.

November 6, 2012 – Letter from Flint Emergency Manager Ed Kurtz to State Treasurer Dillon that a proposal from DWSD is expected but that the initial assessment is that switching to KWA is in the best interest of the City of Flint.

February 2013 – TYJT issues a final report to Treasury on the comparison between Karegnondi Water Authority (KWA) and DWSD. Analysis suggests that the KWA option is the cheaper option for the City of Flint.

March 2013 – DWSD contacts the City of Flint to begin direct negotiations on a contract extension. Multiple options are provided to the Flint Emergency Manager (EM) Ed Kurtz.

March 26, 2013 – The Flint City Council endorses joining KWA.

April 11, 2013 – State Treasurer Andy Dillon authorizes Flint EM Ed Kurtz, pursuant to Section 12(3) of P.A. 436 of 2012, to enter into a contract with KWA if a final offer from DWSD is either not received for rejected in good faith based upon specific objections.

April 15, 2013 – DWSD provides a best and final offer to the City of Flint. Analyses by Flint EM Ed Kurtz, the Department of Environmental Quality and Treasury's Office of Fiscal Responsibility independently conclude that the KWA option is cheaper for the City of Flint.

April 16, 2013 –Flint EM Ed Kurtz informs the State Treasurer that the City will join KWA. This decision was officially announced May 1, 2013.

April 17, 2013 – DWSD transmits a letter to Flint EM Ed Kurtz terminating service to the City of Flint, effective April 17, 2014.

June 2013 – Groundbreaking for the Karegnondi Water Authority. Flint also requests full time use of the Flint Water Treatment Plant with Flint River water as a source.

June 28, 2013 – Financing Contract between the City of Flint and KWA is approved. Effective September 1, 2013. This document was signed by EM Mike Brown.

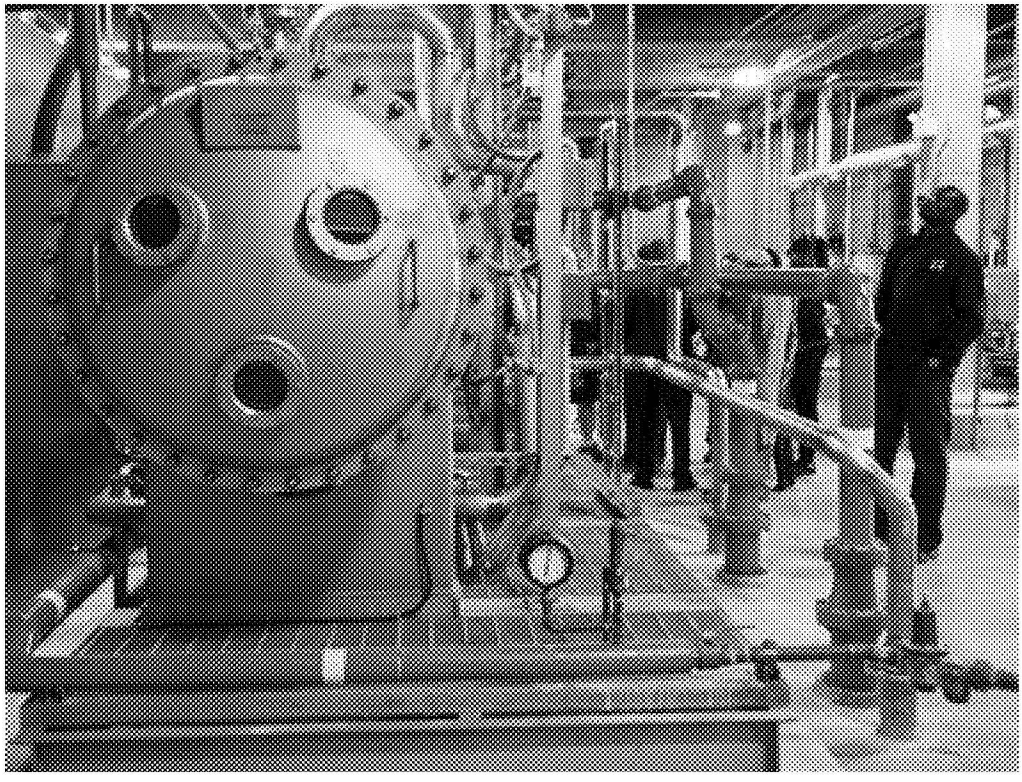
February 19, 2014 – The KWA Board of Directors adopts Resolution 2014-01, authorizing KWA to bond for water line construction on-behalf of the City of Flint.

April 17, 2014 – Water service from DWSD officially ends. The City of Flint also conducts two separate public forums regarding the use of Flint River water, upgrades to the City's water system and the overall cost of the switch to KWA.

April 25, 2014 – City conducts public event marking the transition to the use of Flint River water. DEQ information shows that transition complete by May 2015.

March 3, 2015 – Flint EM Jerry Ambrose provides a memorandum to Deputy State Treasurer Wayne Workman stating that a reconnection to DWSD will cost the City $10.1M/year and that water purchases could be as high as $1M/month.

March 12, 2015 – The City of Flint hires Veolia to conduct an operational evaluation of the City's water system.



From: Wurfel, Sara (GOV)
Sent: Thursday, October 01, 2015 11:42 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Hollins, Harvey (GOV); Agen, Jarrod (GOV); Posthumus, Dick (GOV); Walsh, John (GOV); Priest, Chris (GOV); Ackerman, Darin (GOV); Lange, Michelle (GOV); Mcbride, Bill (GOV); Brown, Eric (GOV); Baird, Richard (GOV)
Cc: Wisniewski, Wendy (GOV); Clayton, Stacie (GOV); Murray, David (GOV); Kennedy, Jordan (GOV); Brown, Jessica (GOV); Paciorek, Josh (GOV)
Subject: HIGH PRIORITY: Updated Flint water action plan
Attachments: NR 151002 - Flint water action plan.docx; Infographic - Flint Water Action Plan 10-2-15.pdf; Infographic - Flint water tips 10-2-15.pdf; Flint water - talking points (draft 151001).docx

Importance: High

Hi all –

Attached are several items pulled together to help announce the new comprehensive action plan related to Flint water tomorrow. This build upon past efforts and as aimed to be a real collaborative effort with local, state and federal agencies, along with city and community leaders. These items are:

- News release
- Infographics – one to summarize action plan and one to help highlight the tips for Flint residents
- High level points

The Governor, along with Dan Wyant, Nick Lyon, and Dr. Eden Wells are slated to do an embargoed media conference call with select reporters at 11:15 a.m. tomorrow.

This will be followed by a 1:30 p.m. press conference in Flint led by Directors Wyant and Lyon, moderated by Harvey, and including Dr. Wells and Flint Mayor Dayne Walling. EPA Region 5 Administrator Susan Headman dropped out late today due to some pending litigation. It's possible that Cong. Kildee and/or State Sen. Anaich and State Reps. Neely and Phelps may be participating as well.

There will also be a clearinghouse of Flint water information available at a new web site – www.michigan.gov/FlintWater. It will be live at 1 p.m. tomorrow.

Please review and let us know of any Qs, concerns, last edits, of if anything else is needed at all.

They are going through last review and refinement now. Please do not share materials until we know they are final.

Thanks much,
SW

Sara Wurfel, APR
Press Secretary | Executive Office of Governor Rick Snyder

wurfels@michigan.gov
517-335-6397, office
[redacted]mobile
Twitter:@SaraLW

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

CONTACTS:	FOR IMMEDIATE RELEASE
Sara Wurfel or Dave Murray Governor's Office: 517-335-6397 Brad Wurfel, 517-284-6713 or Karen Tommasulo, 517-284-6714 Department of Environmental Quality Jennifer Eisner, 517-230-9804 Department of Health and Human Services	Friday, Oct. 2, 2015

Gov. Rick Snyder: Comprehensive action plan will help Flint residents address water concerns

Collaborative effort with state, federal and city leaders focuses on testing, assistance

FLINT, Mich. – Flint residents need to have access to safe, clean, water now and long into the future, Gov. Rick Snyder said, announcing a comprehensive action plan created with state, federal and city leaders to address concerns about drinking water.

The water leaving Flint's drinking water system is safe to drink, but some families with lead plumbing in their homes or service connections could experience higher levels of lead in the water that comes out of their faucets.

The action plan focuses on increasing water testing, offering additional precautions for families with lead plumbing in their homes, and providing long-term solutions to address the city's water infrastructure challenges. The plan was created at Snyder's direction by the Michigan Departments of Environmental Quality (DEQ) and Health and Human Services (DHHS), the U.S. Environmental Protection Agency, and the city of Flint.

"We are focused on helping ensure safe, clean, accessible drinking water and addressing and mitigating concerns and protecting public health," Snyder said. "Today's action plan builds upon ongoing work with local, state and federal agencies and our partnership with city and community leaders. Together, we are working to ensure that all Flint residents have accurate information and know that help is available to address potential problems."

The city and the state also are working together to gather more data to ensure the water that leaves the treatment plant as well as the water that arrives in Flint homes is safe for all residents. The plan includes:

- Testing in Flint public schools immediately to ensure that drinking water is safe, with testing also available at no cost to any other school in Flint.
- Offering free water testing to Flint residents to assure their drinking water is safe.
- Providing free water filters to residents with concerns or who are included in state assistance programs.
- Expanding health exposure testing of individual homes.

- Accelerating corrosion controls in the Flint drinking water system.
- Accelerating water system improvements to address replacing lead service lines.
- Expediting the completion of the Karegnondi Water Authority pipeline.
- Expanding a Safe Drinking Water Technical Advisory Committee to ensure the best technology, practices and science are being followed by adding an expert from the Environmental Protection Agency's Office of Research and Development to the group.
- Naming Dr. Eden Wells, chief medical executive for the Michigan Department of Health and Human Services, as the Flint drinking water public health adviser.
- Boosting a comprehensive lead education program to make sure residents have detailed information about how to protect themselves and their homes.

Residents can have their water tested by calling 810-787-6537 and pressing 1, or emailing flintwater@cityofflint.com. The DEQ is covering the cost of this testing.

State leaders have been working closely with state and federal lawmakers to tap resources at all levels of government to address concerns.

State health experts said there has been an increase in elevated childhood blood lead levels in some specific communities. Initial analysis of MDHHS data found that blood lead levels of children in Flint have followed an expected seasonal trend. While this analysis for Flint as a whole remains true, a comprehensive and detailed review breaking down data by ZIP codes with the city revealed that MDHHS data is consistent with a study presented recently by Hurley Children's Hospital.

"While we cannot conclusively say that the water source change is the sole cause of the increase, this analysis supports our efforts as we take active steps to reduce all potential lead exposures in Flint," MDHHS Director Nick Lyon said. "As part of this, we are working closely with our public and private partners to provide Flint residents on MDHHS assistance programs with free water filters and inform families about the steps they can take to reduce all lead exposures in their home."

As a part of the action plan, MDHHS is making National Sanitation Foundation certified water filters available to clients who are active Family Independence Program, Food Assistance Program, Child Development and Care or Social Security Insurance recipients.

"This action plan offers concrete steps we will take in a local, state and federal partnership to ensure all Flint residents have safe water to drink," DEQ Director Dan Wyant said. "The DEQ will work closely with the city to gather further data to ensure the water that leaves Flint's system as well as the water that arrives in Flint homes is safe to drink."

Additional information is available at www.michigan.gov/flintwater.

###

TAKING ACTION ON FLINT WATER

www.mi.gov/FlintWater

- The Action Plan -

- Testing in Flint public schools immediately to ensure that **drinking water is safe**, with testing also available at no cost to any other school in Flint.
- **Offering free water testing** to Flint residents to assure their drinking water is safe.
- **Providing free water filters** to residents with concerns or who are included in state assistance programs.
- **Expanding health exposure testing** of individual homes.
- **Accelerating corrosion controls** in the Flint drinking water system.
- **Accelerating water system improvements** to address replacing lead service lines.
- Expediting the completion of the **Karegnondi Water Authority** pipeline.
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- Naming Dr. Eden Wells, chief medical executive for the Michigan Department of Health and Human Services, as the **Flint drinking water public health adviser**.
- Boosting a **comprehensive lead education program** to make sure residents have detailed information about how to protect themselves and their homes.

To get your water tested for free, please call the city of Flint Water Plant at (810) 787-6537 and then press 1.
You can also email flintwater@cityofflint.com

Visit www.mi.gov/FlintWater for more information

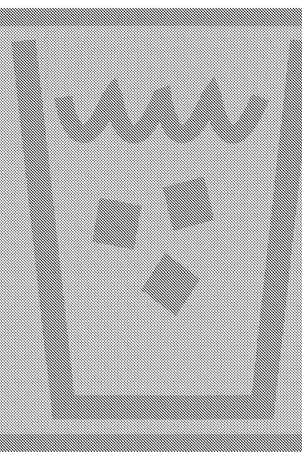
TAKING ACTION ON FLINT WATER

www.mi.gov/FlintWater

- Tips for Flint Residents -

Lead plumbing is common in homes built prior to 1986, and **anyone in the state with lead pipes in their home can take some extra precautions** to minimize lead in their drinking water.

1. Get your water tested at no cost to ensure water is safe. **To get your water tested**, please call the city of Flint Water Plant at (810) 787-6537 and then press 1.

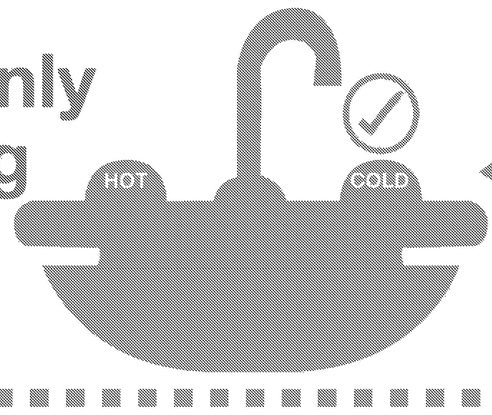


2. To ensure safe drinking water, you can also get a free filter. Please visit **mi.gov/FlintWater** to find where you can get a free filter.

3. It takes time for lead to accumulate in drinking water from plumbing, and so **flushing your pipes prior to using them** can minimize your exposure.

- To flush your pipes, run the water until it's as cold as it will go. This can take as little as 5 to 30 seconds if you have recently flushed the toilet or otherwise used water in your home, or as long as 2 to 5 minutes if you have not used any water in hours.
- In the city of Flint, **running the water for 5 minutes costs between 3 and 16 cents.**

4. Additionally, more lead gets into hot water than cold water. **Use only cold water for drinking, cooking and making baby formula.**



To get your water tested for free, please call the city of Flint Water Plant at (810) 787-6537 and then press 1.
You can also email flintwater@cityofflint.com

Visit **www.mi.gov/FlintWater** for more information

Flint Drinking Water Action Plan
Talking Points

Overall Messaging

- Repeated testing shows the water leaving Flint's drinking water system is safe to drink and meets all federal guidelines, including lead.
- After the switch the Flint River, the compliance testing protocol yielded results of 6 ppb in December 2014 and 11 ppb in June 2015. Both results were below the federal action level of 15 ppb.
- However, we recognize some residents experience higher levels of lead in the water that comes out of their faucets because of lead plumbing in the home, and that's a concern.
- Out of an abundance of caution, we want to address the needs of all Flint families, and so we have developed an action plan that includes both short- and long-term solutions.
- The state plan focuses on increasing water testing, offering additional precautions for families, and providing long-term solutions to address the city's water infrastructure.

Messaging regarding the action plan

The city and the state are working together to gather more data to ensure the water that leaves the treatment plant as well as the water that arrives in Flint homes is safe for all residents.

- **Immediately test Flint public schools to ensure that drinking water is safe. Testing will also be available at no cost to any other school in Flint.**
    - Although Flint's drinking water meets all federal requirements, the state wants to take extra steps to ensure that drinking water is safe for the city's children.
    - The state will fund this testing (about $30,000) at no cost to the city or the local schools, and make the results publicly available.

- **Expand health exposure testing of individual residences.**
    - To double-check its data as well as provide residents with an additional layer of assurance, the DEQ will conduct more tests at Flint properties.
    - The Technical Advisory Committee will determine the scope of this expanded testing.

- **Offer water testing at no cost to Flint residents to assure water is safe.**
    - Although all testing indicates water in the city of Flint meets all federal standards, we understand some residents are concerned.
    - To ensure water in individual homes is safe, free water testing is available to all Flint residents.
    - We encourage anyone with a concern to get their water tested.
    - Contact the city water department to have your water tested.

- **Accelerate optimizing corrosion controls in the Flint drinking water system.**

- A fully optimized corrosion control system can help coat the inside of pipes to minimize the amount of lead that enters the drinking water after it leaves the treatment plant.
- This is a helpful step that can help minimize lead system-wide, and we're pleased the city is moving to take this step.
- If asked: This was not initially required because a fully optimized corrosion control system is not federally required in many water systems. Even today, since Flint is meeting all federal standards, this fully optimized system is not required. However, to address public concerns and ensure every possible precaution is taken, the city is moving forward with installing this corrosion control system.

- **Expand the "Safe Drinking Water Technical Advisory Committee" to ensure the best technology, practices and science are being utilized, and add an expert from the EPA's Office of Research and Development to the group.**
  - The Safe Drinking Water Technical Advisory Committee will meet Oct. 7 to discuss fully optimizing the corrosion control system, expanding testing of at-risk properties, and other topics.
  - Tom Burke, the Deputy Assistant Administrator of EPA's Office of Research and Development as well as the EPA's Science Advisor, will participate on the committee. Prior to joining EPA, he held prominent positions at the Johns Hopkins Bloomberg School of Public Health and founded the Johns Hopkins Risk Sciences and Public Policy Institute. He brings substantial expertise, and we're pleased he is able join the committee.

- **Accelerate water system improvements to address replacement of lead service lines.**
  - Regardless of the drinking water source – whether it be DWSD, the Flint River or Lake Huron – the only permanent fix for lead is to replace all 18,000 of the private lead service lines in the city. These are the lines on private property that lead from the curb to individual homes.
  - This is a problem in communities statewide, and one we want to address with a long-term solution.
  - The state and EPA are working together to find a way for the city to access Drinking Water Revolving Loan funds for the work.

- **Expedite completion of Karegnondi Water Authority.**
  - The move to the Flint River was always a temporary measure until the connection to the KWA and to Lake Huron was completed.
  - This is the ultimate goal of the venture, and the state and locals will work together to speed up completion of the connection.
  -

- **Name Dr. Eden Wells as Flint Drinking Water Public Health Advisor.**
  - Dr. Wells is the Director for the Preventive Medicine Residency at the University of Michigan School of Public Health in Ann Arbor as well as the Chief Medical Executive for MDHHS.

- She brings years of experience in epidemiology and preventative medicine to the issue, and we're thrilled to have her expertise.
- Dr. Wells will coordinate with Hurley Medical Center to share data on blood lead levels in children, as well as address other emerging issues.

- **Provide water filters to residents of Flint.**
  - As an additional precaution, water filters will be available to low-income families.
  - This provides another safeguard to ensure everyone in the city of Flint has access to clean drinking water that they feel confident drinking.

- **Expand a comprehensive lead education initiative.**
  - Lead plumbing is common in homes built prior to 1986, and anyone in the state with lead pipes in their home can take some extra precautions to minimize lead in their drinking water.
  - It takes time for lead to accumulate in drinking water from plumbing, and so flushing your pipes prior to using them can minimize your exposure.
    - To flush your pipes, run the water until it's as cold as it will go. This can take as little as 5 to 30 seconds if you have recently flushed the toilet or otherwise used water in your home, or as long as 2 to 5 minutes if you have not used any water in hours.
    - In the city of Flint, running the water for 5 minutes only costs about 3-16 cents, depending on your faucet.
  - Additionally, more lead gets into hot water than cold water. Use only cold water for drinking, cooking and making baby formula.

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, September 10, 2014 12:31 PM
To: Clement, Elizabeth (GOV)
Subject: FW: John Gleason correspondence for the Governor
Attachments: JJG Letter to the Governor - Flint Water Concerns 09-10-14.pdf

---

From: Raleigh, Leslie [mailto:lraleigh@co.genesee.mi.us]
Sent: Wednesday, September 10, 2014 11:55 AM
To: Muchmore, Dennis (GOV); Wisniewski, Wendy (GOV)
Subject: John Gleason correspondence for the Governor

Good Morning Mr. Muchmore and Ms. Wisniewski,

Attached, please find a correspondence from Genesee County Clerk John J. Gleason to Governor Rick Snyder. He would appreciate it very much if you could please forward on to the Governor's attention.

Thank you and Best Regards,

Leslie A. Raleigh
Chief Deputy Clerk/Administrative Assistant
900 S. Saginaw St.
Flint, Mi. 48502
810-257-3224
lraleigh@co.genesee.mi.us

JOHN J. GLEASON
GENESEE COUNTY CLERK

OFFICE OF THE COUNTY CLERK
GENESEE COUNTY COURTHOUSE
900 SOUTH SAGINAW STREET
FLINT, MICHIGAN 48502

ADMINISTRATION (810) 257-3282
COURT RECORDS (810) 257-3220
ELECTIONS (810) 257-3283
VITAL RECORDS (810) 257-3225

September 10, 2014

Governor Snyder,

The recent water concern in the City of Flint has revealed two actions for future drinking water shortages.

In the past, the Flint area has used the National Guard water tanker for local road races. Also, daily water tankers fill our local swimming pools.

When we have large numbers of citizens that must use the "Boil the Water" process, why can't we use the tankers I mentioned above?

Flint has gone days without drinking water.

With such a basic life need, let's try some possible solutions! We could dispense the water at Senior Centers, community gathering locations, neighborhood schools and churches. This could be seen as a training experience for the National Guard or Reserves.

Governor, the need is there and the tankers are at hand.

Thanks for your time and please let me know what you think.

I hope this note finds you and your family in fine health.

Genesee County Clerk
John J. Gleason

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, October 01, 2014 2:27 PM
To: Clement, Elizabeth (GOV)
Subject: FW: CITY OF FLINT DRINKING WATER, GOVERNOR'S OFFICE BRIEFING PAPER
Attachments: Governor Briefing - City of Flint 10-1-14.docx; Governor Briefing - City of Flint 10-1-14.pdf; Flint Monthly Pumpage Comparison.pdf; ODWMA-399-022.pdf

Importance: High

From: Thelen, Mary Beth (DEQ)
Sent: Wednesday, October 01, 2014 11:19 AM
To: Scott, Allison (GOV); Muchmore, Dennis (GOV); Brader, Valerie (GOV)
Cc: Wurfel, Brad (DEQ); Wyant, Dan (DEQ); Datema, Maggie (DEQ); Sygo, Jim (DEQ); Wisniewski, Wendy (GOV); West, Samantha (GOV)
Subject: CITY OF FLINT DRINKING WATER, GOVERNOR'S OFFICE BRIEFING PAPER
Importance: High

Dear Governor, Dennis, and Val:

Per your request, the attached briefing paper is on the City of Flint drinking water situation. Director Dan Wyant has asked that I send this to you. A Word version as well as a pdf version is attached. We have also included a copy of the policy ODWMA-399-022 which specifically provides guidance regarding boil water advisory situations, and a chart showing the significant increase in the City of Flint's water demands following the extreme conditions experienced this past winter.

Allison, please forward to the Governor. Thank you.

If you have any questions or need further information, please let us know. Thank you.

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant
Department of Environmental Quality
Constitution Hall, 6th Floor South
Phone: 517-284-6712 or [redacted]
Fax: 517-241-7401
Thelenm2@michigan.gov

Attachments

DEPARTMENT OF ENVIRONMENTAL QUALITY

GOVERNOR'S OFFICE BRIEFING PAPER
CITY OF FLINT DRINKING WATER

What contributed to the Boil Water Advisories in the city of Flint?

A number of factors, not one specific cause, likely contributed to the Boil Water Advisories (BWAs) in the city of Flint during August and September 2014. While use of the Flint River has increased the amount of natural organic matter in the city's water, the Flint Water Treatment Plant (WTP) has performed well above treatment requirements for organic carbon removal. In addition, less than 20 percent of the water system was included in the advisory area. If treatment had been compromised, detections would have been widespread throughout the city, rather than in such a localized area.

The city's water distribution system has suffered from a lack of infrastructure investment and asset management. Most of the city's over 550 miles of water mains are now over 75 years old and constructed of cast iron piping. Cast iron pipe is subject to internal corrosion, called tuberculation, which causes buildup on the pipe interior, leading to water quality issues, reduced flow and pressures, and leakage. Tuberculation also encourages the development of biofilms, layers of bacteria that attach to the interior pipe wall. Biofilm growth is common in areas of piping with little or no disinfectant residual, and together with tuberculation can clog water lines to the point of insufficient water pressure.

The city has also experienced decades of a declining user base and water use associated with vacant homes, commercial businesses, and industrial property. Declining water use leads to excess residence time within the city's distribution pipes and water storage facilities, accelerating tuberculation, biofilm growth, and disinfectant residual degradation. While the city has recently seen an infusion of funding for blight removal, contractors completing this work have been improperly using fire hydrants, causing hydraulic disturbances that dislodged and suspended settled debris, which may have contributed to the bacterial contamination.

The winter of 2014 was also one of the coldest experienced by the water system. The city, which historically has unaccounted water losses of over 30 percent, has seen even greater losses since February 2014 due to an increase in cold weather-related water main breaks and leaks. The city lacks a formal maintenance program for its over 7,250 valves, which would normally be used to limit impacts during break repairs. Two valves on the transmission line used to supply the area of the BWAs were found to be closed during the city's investigation, causing longer residence time, reduced disinfectant residual, reduced flow, and reduced pressure. One of these valves has remained broken.

The BWAs also occurred during the warmest and, for 2014, relatively wet periods of August and September. Warm weather conditions are not only more conducive to bacterial growth but also degrade the water's disinfectant residual carried out from the WTP more quickly. Longer residence times, biofilms, and tuberculation also contribute to disinfectant residual degradation. Warm wet weather conditions also allow water contaminated with bacteria to pool around piping with leaks and breaks.

Process for Issuance and Cancelation of a Boil Water Advisory

There are a number of conditions that can trigger BWAs. This includes the following:

- Bacteria Monitoring Detections
- Bacteria Standards Violations
- Treatment System Failures
- Waterborne Disease Outbreaks
- Loss of System Pressure
- Water Main Breaks
- Other Interruptions in Service

The Department of Environmental Quality (DEQ) has developed a policy and procedure regarding BWAs to help guide staff, provide consistency, and maintain public health. A PDF of Policy and Procedure No. ODWMA-399-022 is being forwarded with this briefing paper.

BWAs may be self-initiated by the water system, issued collaboratively in consultation with the DEQ, or when necessary mandated by the DEQ. Requesting customers to boil the water when bacterial contamination has occurred provides an added barrier of public health protection.

The BWAs that recently occurred in the city of Flint were associated with bacteria monitoring detections and violations of bacteria standards. These advisories were issued by the city of Flint collaboratively in consultation with the DEQ.

Current regulations regarding monitoring and standards for bacteria in water distribution systems were developed by the U.S. Environmental Protection Agency, have been in effect since 1990, and were incorporated into the Michigan Safe Drinking Water Act, 1976 PA 399, as amended. There are a variety of bacteria, parasites, and viruses that can potentially cause health problems if humans ingest them in drinking water. Testing water for each of these potential pathogens would be difficult and expensive. Instead, water systems test for total coliform and *E.coli*. Total coliform bacteria react to water treatment in a manner similar to many pathogens. Therefore, the presence of total coliform in drinking water indicates there may be a pathway for pathogens or other contaminants to enter the system. The absence of total coliforms in the distribution system minimizes the likelihood that pathogens are present. *E.coli* is itself a pathogen, and its detection would be direct evidence of a health risk.

Once a BWA has been issued, time is needed to investigate potential causes and implement corrective measures. The larger the water system, the more time this may take. Once corrective measures have been taken, samples must be collected and

analyzed to confirm that bacteria are no longer present. Using the most common analytical method, samples must be incubated for a period of 24 hours before results can be obtained. In situations where the bacterial contamination has been confirmed, two consecutive rounds of safe samples collected at least 24 hours apart are normally obtained before canceling a BWA. Adding each of these steps together, a normal response period to cancel a BWA under these circumstances would be expected to take at least 3 to 4 days.

Recent History of the City of Flint Water System

Historically, the city of Flint had been a customer of the Detroit Water and Sewerage Department (DWSD) while simultaneously maintaining the Flint WTP to provide emergency backup service using the Flint River. The WTP performed quarterly test operations to maintain readiness and was utilized twice in 2009, supplying water once for 2 days and the other for 3 days.

In April 2013 the city of Flint notified the DWSD that it would be terminating service in the future and contracting for raw water service from the Karegnondi Water Authority (KWA). Work on the KWA pipeline from Lake Huron broke ground in June 2013 and is expected to be completed with connection in late 2016.

In August 2013 Rowe Professional Services Company completed an engineering proposal for improvements to the Flint WTP that would allow continuous operation of the WTP utilizing the Flint River in lieu of continuing service from the DWSD until completion of the KWA pipeline. In March 2014 the city of Flint entered into a Consent Agreement with the DEQ regarding the Flint WTP's lime sludge facility. In April 2014 the DEQ issued a construction permit for improvements to the Flint WTP. On April 25, 2014, the city of Flint began continuous operation of the WTP, using water from the Flint River and discontinued the purchase of water from the DWSD.

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While many of the BWA contributing factors listed above require long-term solutions, the city has taken operational steps to limit the potential for a BWA to reoccur. The city has increased flushing of water mains to limit residence time, maintain disinfectant residual, and help remove buildup and deposits within the piping. The city is boosting chlorine disinfectant residual at locations in the distribution system as needed. The city continues to investigate water leaks and water main breaks and the status and condition of system valves.

Prepared by: Stephen Busch, P.E.
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Office of Drinking Water and Municipal Assistance
Department of Environmental Quality
October 1, 2014

DEPARTMENT OF ENVIRONMENTAL QUALITY

GOVERNOR'S OFFICE BRIEFING PAPER
CITY OF FLINT DRINKING WATER

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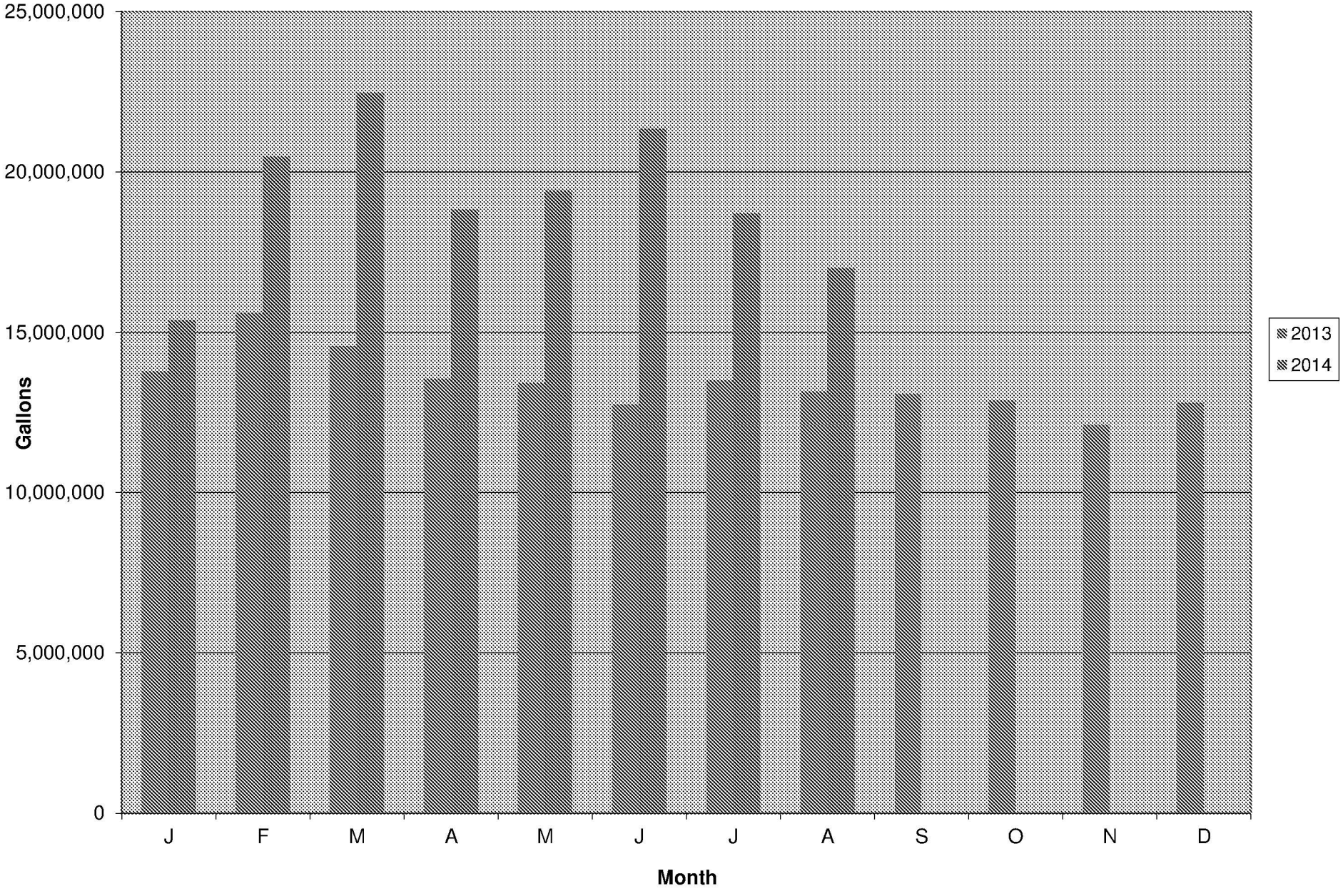
City of Flint Monthly Averages



DEQ	OFFICE OF DRINKING WATER AND MUNICIPAL ASSISTANCE POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: October 12, 2007 **Revised Date:** **Reformatted Date:** January 24, 2013	**Subject:** Guidelines for Issuing Boil Water Advisories to Address Potential Microbial Contamination of Community Water Supplies **Division/Office and Program Names:** ODWMA-Public Water System Supervision Program	**Number:** ODWMA-399-022 Page: 1 of 10	**Category:** ☐ Internal/Administrative ☐ External/Noninterpretive ☒ External/Interpretive

A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

INTRODUCTION, PURPOSE, OR ISSUE:

Community water systems are expected to provide customers with a continuous supply of water that meets both federal and state drinking water standards. However, there may be circumstances when the public must be notified that the water may not be safe. In these circumstances, a boil water advisory may be issued to prevent illness from known or suspected microbiological contamination. This policy is to provide guidance to Office of Drinking Water and Municipal Assistance (ODWMA) drinking water program staff on advising community water system personnel when to issue and rescind a boil water advisory, the appropriate content, and the manner and method of delivery.

AUTHORITY:

Administrative rule R 325.10401a promulgated under the Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), being Michigan Compiled Law 325.1001 *et seq.*, requires public notification for violations of maximum contaminant levels and treatment techniques plus other situations as determined by the DEQ. Each public notice is required to state what actions consumers should take during a violation, which may include a statement recommending water customers boil all water used for consumption until further notice.

In addition, R 325.11207 allows the DEQ to require the supplier of water to provide notice to customers or users that include any precautionary measures deemed necessary when an interruption in water service occurs, which could include low, zero, or negative pressure events.

Furthermore, R 325.12303 requires a supplier of water to include in their contingency planning a description of precautions or measures to be taken to protect the health of those customers or users that may be affected by an emergency. R 325.12304 also requires a supplier of water to notify the DEQ when an emergency is discovered and how the supply will notify its customers or users. While the content of this notification to customers or users may vary depending upon individual circumstances, each notification to customers or users must state what actions or precautions they should take, which may include a statement to boil all water used for consumption until further notice.

STAKEHOLDER INVOLVEMENT:

DEQ staff met with Municipal Utilities Directors to seek input on issues that were subsequently addressed in this policy and procedure.

DEFINITIONS:

"Boil Water Advisory (BWA)" – A written or verbal advisory issued by the community water system or DEQ notifying the users of the water system that the water is or may be contaminated and advising them to boil the water prior to using it for drinking or cooking.

"Community Water Supply (CWS)" – A public water supply (PWS) that provides year-round service to not fewer than 15 living units, or that regularly provides year-round service to not fewer than 25 residents. Examples include municipalities, such as cities, villages, and townships; apartment complexes; manufactured housing communities; condominiums; and nursing homes.

"Complete Loss of Pressure" – Sustained negative pressures or pressure below five psi in any portion of a distribution system. It does not include instantaneous low or negative pressure occurring from pressure surges caused by pump cycling, valve operation, or other water hammer events.

"Maximum Contaminant Level (MCL)" – The maximum permissible level of a contaminant in water that is delivered to any user of a PWS.

"Repeat Sample" – A sample that is collected and analyzed in response to a previous coliform-positive sample.

"Routine Sample" – A water sample that is collected and analyzed to meet the monitoring requirements for total coliform, as outlined in the written sampling plan.

"Tier 1 Public Notice" – A public notice required to be provided as soon as practical but not later than 24 hours after the supplier learns of a violation or situation that has significant potential to have serious adverse effects on human health as a result of short-term exposure. A Tier 1 Public Notice also requires the supplier to initiate consultation with the DEQ as soon as practical but not later than 24 hours after the supplier learns of the violation or situation. Examples of these violations or situations include:

1. A violation of the Total Coliform MCL when fecal or *E.coli* are present in the distribution system;
2. A violation of the treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit;
3. An occurrence of a waterborne disease outbreak;
4. A failure or significant interruption in key water treatment processes;
5. A disruption of the water supply or distribution system; and

6. Other violations or situations as determined by the DEQ on a case-by-case basis. A violation or situation that requires a Tier 1 Public Notice also requires the supplier to consult with the DEQ to determine additional public notice requirements, including the timing, form, manner, frequency and content of the notice designed to reach all persons served, and any repeat notices or directions. At a minimum, one or more of the following forms of delivery must be used:
   a. Appropriate broadcast media:
   b. Posting of the notice in conspicuous locations throughout the area served by the system;
   c. Hand delivery of the notice to persons served by the system; or
   d. Another delivery method approved by the DEQ.

Within 10 days of completing the Tier 1 Public Notice, the supplier shall submit to the DEQ a certification that it fully complied with the public notification requirements, including a representative copy of the type of notice distributed to persons served by the system and to the media.

"Tier 2 Public Notice" – A public notice required to be provided as soon as practical but not later than 30 days after the supplier learns of a violation or situation that has the potential to have serious adverse effects on human health. Examples of these violations or situations include:
1. All violations of MCL, maximum residual disinfectant level, and treatment technique requirements except where the DEQ determines a Tier 1 notice is required.
2. Violations of monitoring and testing procedure requirements, taking into account potential health impacts and persistence of the violation; and
3. Failure to comply with a variance or exemption.

For a Tier 2 Public Notice, the DEQ may, on a case-by-case basis, grant extensions in writing for up to three months from the date the supplier learns of the violation or situation, for reasons such as coordinating with billing cycles or if the violation or situation was quickly resolved and no longer poses any risk to the persons served. A Tier 2 Public Notice shall be repeated every three months as long as the violation or situation exists. A Tier 2 Public Notice and any repeat notices shall be in a form and issued in a manner that is reasonably calculated to reach persons served in the required time period. At a minimum, the notice shall be provided:
1. By mail or direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the supplier, and
2. By other methods reasonably calculated to reach other persons not receiving a bill, such as apartment dwellers, university students, nursing home patients and prison inmates. Other methods may include:
   a. Publication in a local newspaper
   b. Delivery of multiple copies to apartment complexes and manufactured housing communities
   c. Posting in public places or on the Internet
   d. Delivery to community organizations

"Treatment Technique (TT)" – Minimum treatment requirement or a necessary methodology or technology that is employed by a supplier of water for the control of the chemical, physical, biological, or radiological characteristics of a PWS.

POLICY:

A BWA may be issued for a variety of reasons when microbial contamination is known or suspected. Total Coliform Rule (TCR) MCL violations, surface water TT violations, low or loss of pressure events, and waterborne disease outbreaks are circumstances when a BWA may be issued. Each of these situations is discussed in detail below. However, these situations are not the only times a BWA can or should be issued. Each incident must be handled on a case-by-case basis, using professional judgment to evaluate the circumstances in each situation.

Finally, there may be situations when water systems experience contamination that is not microbial, but chemical due to a chemical spill or backflow due to a cross connection. In these cases, a notice to customers could include "Do Not Use" language since boiling the water may not remove the contamination.

Types of Incidents:

1. Violation of a Drinking Water Standard

    a. TCR MCL Violations

    An acute TCR MCL violation occurs when monitoring indicates the presence of coliform organisms in both a routine and a follow-up repeat sample in the same monitoring period, and either analysis (routine or repeat) is also positive for fecal or *E.coli.* Because this MCL violation confirms the presence of a more direct connection to contamination, these violations warrant issuance of a BWA, unless there are unique circumstances.

    A non-acute TCR MCL violation occurs when monitoring indicates the presence of coliform bacteria in 2 or more samples in the same monitoring period for a supplier collecting less than 40 samples per month, or in more than 5 percent of the samples for a supplier collecting 40 or more samples per month, and the criteria for an acute violation did not occur, i.e., fecal coliform or *E.coli* were NOT detected present in either a routine or repeat sample. For example, a system that collects 5 samples per week for a total of 20 per month may have 1 sample report positive for total coliform or fecal/*E.coli* during the first week, but all repeat samples report negative for coliform. If another sample in a subsequent week also reports total or fecal/E.coli positive, but again, all repeat samples are coliform-negative, then a non-acute TCR MCL violation has occurred because 2 or more samples reported positive for coliform, but no fecal coliform or *E.coli* were detected in both a routine and a repeat sample.

When a non-acute violation occurs, staff should evaluate possible sources of contamination. If a source is identified that is considered likely to contribute disease causing organisms or result in water of questionable quality still being distributed, a BWA should be instituted. Examples of contaminant sources that would elevate the public health risk include, but are not limited to:

- flooding of the wells
- failure of the treatment system
- recent construction activity in the distribution system
- vermin (birds, rodents, etc.) activity in storage tanks
- system-wide or extensive pressure loss in the distribution system

Even if the source of contamination is not easily identified, a BWA may be appropriate for a non-acute TCR violation if the violation is widespread or ongoing. A BWA shall be instituted if monitoring indicates *E. coli* or fecal coliform contamination unless unusual circumstances warrant consideration, such as the absence of any coliform in repeat samples, or when staff are assured that the contamination has been eliminated before confirmation results are available.

However, not every TCR MCL violation must result in a BWA. There may be a few exceptions when there is a TCR MCL violation but a BWA is not needed. For example, a violation may be declared in situations where samples collected on different days from widely dispersed locations report coliform present even though repeat samples do not show positive results. In this case, the sampling results may constitute a MCL violation, but a BWA may not be necessary.

If a BWA is deemed necessary by the ODWMA, it should be issued as soon as possible but no later than 24 hours after the system learns of the violation. Because violation of an MCL results in required public notification (PN) per the PN Rule, the water supply may issue the PN and BWA simultaneously in one document (highly recommended) and must meet all the requirements of a Tier 1 PN and include BWA language.

After measures have been taken to eliminate the source(s) of contamination, such as initiating or increasing chlorine feed rates and system flushing, additional sampling must be conducted. Raw water bacteriological sampling is also encouraged to eliminate the raw water as the possible source of contamination. For MCL violations, the BWA can be rescinded after the analyses of two sets of samples collected 24 hours apart report the absence of coliform bacteria. The number of samples in each set should be a minimum of five samples, but can be decreased or increased based on system size or the extent of the affected area. Systems are encouraged to use routine sample sites if available and to use extra care if routine sites are not available.

b. Surface Water Treatment Rule (SWTR) TT Violations

SWTR TT violations include:

- exceedance of turbidity standards at filter confluence point
- failure to meet disinfection contact time requirements (C*T)
- failure to meet disinfection residual standards

Upon determination of an SWTR TT violation, ODWMA staff must determine if the violation poses a threat to public health. For example, if the turbidity levels at the filter confluence point were found to have exceeded 0.3 nephlometric turbidity units (NTUs) in 95 percent of the samples in a two-month period, an SWTR TT violation has occurred. Based upon a review of plant performance and consultation with program managers, staff may determine that no significant health risk was posed and no BWA is necessary. However, the water supply must still issue a Tier 2 PN within 30 days of the violation. On the other hand, a BWA is likely to be necessary for a treatment plant that gets overwhelmed by excessive runoff and reports a turbidity level in excess of 1.0 NTU at the filter confluence point for a four-hour period.

If the TT violation is ongoing or prolonged, or the ODWMA determines a significant public health risk is posed, ODWMA staff may elevate the PN to Tier 1 status, which must be issued within 24 hours and include BWA language. After appropriate measures have been taken to reduce or eliminate any health risk, additional monitoring must be conducted. Appropriate measures may include increasing coagulant dose, increasing chlorine residuals through the treatment plant, backwashing filters more often and flushing key system components. In this case, a BWA can be rescinded after analyses of two sets of samples collected 24 hours apart report the absence of coliform bacteria. The number of samples in each set should be a minimum of five samples, but can be decreased or increased based on type and severity of the TT violation.

Surface water plants utilizing conventional or direct filtration must add a primary coagulant under R 325.11008. Failure to add a primary coagulant is a violation of Act 399, and may also contribute to a TT violation under R 325.10611 (Filtration and Disinfection) which requires 3-log inactivation of giardia and 4-log inactivation of viruses. In these cases, ODWMA staff will have to determine if the violation poses a threat to public health and whether other actions are necessary, such as requiring a BWA. Factors to consider if a BWA is necessary would include chlorine residual concentrations throughout the treatment plant, raw water quality, C*T compliance, plus individual filter effluent and combined filter effluent turbidity levels.

2. Waterborne Disease Outbreaks

Waterborne disease outbreaks can be declared by the Centers for Disease Control and Prevention, the Department of Community Health, a local health department, or other public

health institutions. If an outbreak is declared, the ODWMA will work with the declaring agency to ensure affected community public water supplies take appropriate measures to mitigate public exposure. These measures will include appropriate public notification, including instructions to boil water if appropriate. The ODWMA will allow the water supply to rescind the notification when the agency declaring the outbreak indicates it is safe to do so as the result of additional monitoring.

3. Interruptions in Service

   a. Negative or Complete Loss of Pressure

      A complete loss of pressure or negative pressure in the distribution system must result in a BWA being issued to all water customers in the impacted area. After pressure is restored and the system recovers (tanks are filling and enough sources are operating to ensure pressures do not drop again), the affected area should be thoroughly flushed and coliform samples must be taken throughout the area to determine if the distribution system remains free of coliform contamination. The number of samples will vary depending on the size of the system and the extent of the area impacted. For very small systems that experience a power failure that results in a complete loss of pressure throughout the distribution system, a minimum of three samples should be collected. If applicable, chlorine residual measurements should be taken to ensure that an adequate disinfectant residual is present. If possible, chlorine dosages and residuals should be increased by 1 to 2 parts per million during this period as a corrective and preventive measure. If the first round of sampling does not detect coliform bacteria, the advisory may be rescinded. However, if the first round of sampling detects coliform bacteria, additional flushing should be conducted in the area where the positive coliform samples were collected and a second round of coliform samples collected from the area. The BWA should remain in effect until safe coliform sample results are obtained.

   b. Low Pressure Events

      Low pressure events might not result in a BWA. Low pressure is considered a drop in pressure below 20 psi but greater than 5 psi. A drop in water pressure in a distribution system could allow contamination to enter the water system through backflow by backpressure or backsiphonage. The decision to issue a BWA should be made on a case-by-case basis and be based upon professional judgment of all available data that may indicate the extent of the problem, such as:

      - Geographical extent of the pressure loss
      - Nature of the service area (residential vs. commercial/industrial)
      - Duration of the low pressure condition
      - Disinfection practices of the water system
      - Relative elevation differences in the service area
      - Status of the local cross connection control program

- Age and condition of the underground piping
- Amount of underground piping located in areas of a high groundwater table
- Ability and willingness of the operators to rapidly apply chlorine to the system or distribute an increased chlorine residual throughout the affected area

After normal pressure is restored, the impacted area should be thoroughly flushed and coliform samples taken throughout the area to determine if the distribution system is free of any bacteriological contamination. The collection of coliform samples after low pressure events is not absolutely required, but may be recommended based on the factors above.

c. Water Main Breaks or Repairs

A BWA may be issued during water main breaks and after the break has been repaired. Whether or not to issue a BWA will depend on the location and severity of the break and, more importantly, a decision based on sound engineering judgment that the integrity of the water system has been maintained. If at all possible, repairs should be performed under reduced or low pressure by closing the closest valves on each side of the break just enough to reduce the flow so the repairs can be made under pressure while the water flowing from the break is diverted away from the excavation to maintain clean sanitary conditions. If the water main can be repaired under pressure, and no nonpotable water, soil, or other potential contaminants entered the main during the break and repair process, then a BWA is not necessary. If the water main that was removed from service is flushed, disinfected, and sampled in accordance with AWWA Standard C651 before being placed back into service, a BWA does not need to be issued.

If a water main break results in a complete loss of pressure before, during, or after the repair is made, a BWA must be issued to all customers in the affected area. The BWA should remain in effect until the area is flushed, chlorine residuals are reestablished (if applicable), and sample results do not detect coliform bacteria.

Content and Delivery of a BWA

If the ODWMA determines a BWA is necessary, the water supply must issue the advisory as soon as practical, but not later than 24 hours after being advised to do so. The supply must make a good faith attempt to notify all customers in the affected area. Appropriate methods of distribution are situation specific, but may include radio or television broadcasts, hand delivery, and/or posting in conspicuous locations throughout the area. Delivery requirements as detailed in the PN Rule should be used to determine appropriate delivery methods.

Although there are content requirements for public notification under the PN Rule, there are no requirements specific to boil water language. To ensure all appropriate information is transmitted to the customers, a BWA should include the same content elements as required for

public notification under the PN Rule. If a BWA is issued as the result of an MCL violation and the water supply issues the BWA in conjunction with the required PN (highly recommended), the content MUST meet all PN Rule content, delivery, and reporting requirements.

The ODWMA boil water language is consistent with the U.S. Environmental Protection Agency policy that requires water be brought to a boil and allowed to boil for one minute before use. The language also suggests the use of bottled water as an alternative to boiling and describes the circumstances under which boiled or bottled water should be used.

Staff should notify the appropriate local health department and the Department of Agriculture and Rural Development, Food and Dairy Division, whenever a BWA is issued or rescinded. These agencies may receive calls from concerned customers or be involved in oversight of facilities impacted by the boil advisory and, therefore, need to be aware of the situation.

Several BWA templates have been created and are available to ODWMA staff on the DEQ Intranet. To ensure consistency and inclusion of all necessary content, these templates should be used as the basis for PNs and/or a BWA. Available templates include, but are not limited to:

- Advisory for a TCR MCL.
- Advisory for a low/no pressure event.
- Notification for cancellation of a BWA.

PROCEDURES:

WHO	DOES WHAT
Public Water Supply	Notify DEQ of results in a timely manner as required by law and follow through with appropriate actions.
District Staff	Respond to all TCR and TT violations plus complete loss of pressure events in a timely manner and determine whether a BWA needs to be issued. • If needed, assist supply in drafting BWA and determining most appropriate method of delivery with approval from the District Supervisor. • If needed, assist the supply in determining actions to remove the possible contamination including steps needed to rescind the BWA.
District Staff	Provide on-site technical assistance for acute TCR MCL violations and other boil water situations as appropriate.
District Supervisors	Assist District Staff in the all matters pertaining to issuing a BWA.

REFERENCES:

Safe Drinking Water Act, 1976 PA 399, as amended, being Michigan Compiled Law 325.1001 *et seq.*, and the administrative rules promulgated thereunder, being R 325.10101 *et seq.* of the Michigan Administrative Code.

OFFICE CHIEF APPROVAL:

Liane J. Shekter Smith, P.E., Chief
Office of Drinking Water and Municipal Assistance

1/18/2013
Date

DEPUTY DIRECTOR APPROVAL:

Jim Sygo, Deputy Director

1/24/2013
Date

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, January 13, 2015 2:54 PM
To: Clement, Elizabeth (GOV)
Subject: FW: Mtg RE: Flint Water Issues/other Concerns

Should you and Dan Wyant be in this meeting?

From: Rospond, Laurie (GOV)
Sent: Tuesday, January 13, 2015 2:52 PM
To: Pleyte, Beth (Treasury); 'gambrose@cityofflint.com'; Wisniewski, Wendy (GOV); 'Michelle Carnevale'
Subject: Mtg RE: Flint Water Issues/other Concerns

I have been asked to set up a meeting regarding the City of Flint water issues and other concerns with the following people:

Jerry Ambrose
Tom Saxton
Dick Posthumus
Dennis Muchmore
Sen Ananich/Andy Leavitt

Can you please let me know if any of these dates/times work: (looking for 45 min)

Thur 1/15	2:30 – 4:30
Wed 1/21	11:30 – 4:00
Thur 1/22	open
Mon 1/26	11:00 – 12:00 or 2:30 – 4:00
Wed 1/28	8:00 – 9:00 or 1:30 – 3:00

Thank you

Laurie Rospond
Legislative Affairs Coordinator
Office of Governor Rick Snyder
George W. Romney Buiding, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5163

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, January 13, 2015 2:56 PM
To: Clement, Elizabeth (GOV)
Subject: RE: Mtg RE: Flint Water Issues/other Concerns

Never mind about Dan. Laurie asked Dick and he said not right now. But do you want to be at this meeting

---

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, January 13, 2015 2:54 PM
To: Clement, Elizabeth (GOV)
Subject: FW: Mtg RE: Flint Water Issues/other Concerns

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Sen Ananich/Andy Leavitt

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Thank you

Laurie Rospond
Legislative Affairs Coordinator
Office of Governor Rick Snyder
George W. Romney Buiding, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5163

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, January 27, 2015 4:06 PM
To: Clement, Elizabeth (GOV)
Subject: Flint Meeting

FYI – Laurie added Dave to the internal Flint Meeting in the morning. But she just said that Dick told her to downsize the afternoon meeting because it's too large. So she's taking Harvey and Dave off and the mayor but Ambrose is included. I'm not sure who all of the original people are but that's who's being included in the afternoon one.

Wendy Wisniewski
Executive Assistant to Dennis Muchmore
and Beth Clement
Executive Office of Governor Rick Snyder
George W. Romney Building, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5601
WisniewskiW@michigan.gov

From: Wisniewski, Wendy (GOV)
Sent: Friday, January 30, 2015 10:48 AM
To: Clayton, Stacie (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV)
Cc: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
Subject: RE: Flint Conference Call

1:30 and 3:00 are the only times that work for both Dennis & Beth

---

From: Clayton, Stacie (GOV)
Sent: Friday, January 30, 2015 10:44 AM
To: Wisniewski, Wendy (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV)
Cc: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
Subject: Flint Conference Call

Greetings All,

Harvey would like to schedule a brief conference call today regarding next steps on Flint water matters. Please let me know DM. EC, JW, DP and DM availability for a call:

11:30am
12:00pm
1:00pm
1:30pm
2:00pm
2:30pm
3:00pm

Thank you,
Stacie

From: Wisniewski, Wendy (GOV)
Sent: Friday, January 30, 2015 11:02 AM
To: Clayton, Stacie (GOV)
Subject: Re: Flint Conference Call

Stacie - just so you know. I won't be in the office this afternoon so if Dennis doesn't get on the call you might want to call Lynne and see if she can stop by his office and make sure he calls in

Sent from my iPhone

On Jan 30, 2015, at 10:56 AM, "Clayton, Stacie (GOV)" <claytons3@michigan.gov> wrote:

> Thank you, everyone.
>
> We are going with 1:30pm. I'll send the appointment now.
>
> ***Stacie***
>
> ---
>
> **From:** Wisniewski, Wendy (GOV)
> **Sent:** Friday, January 30, 2015 10:48 AM
> **To:** Clayton, Stacie (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV)
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> **Subject:** RE: Flint Conference Call
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> 1:30 and 3:00 are the only times that work for both Dennis & Beth
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>
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> **Sent:** Friday, January 30, 2015 10:44 AM
> **To:** Wisniewski, Wendy (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV)
> **Cc:** Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
> **Subject:** Flint Conference Call
>
> Greetings All,
>
> Harvey would like to schedule a brief conference call today regarding next steps on Flint water matters. Please let me know DM. EC, JW, DP and DM availability for a call:
>
> 11:30am
> 12:00pm
> 1:00pm
> 1:30pm
> 2:00pm
> 2:30pm
> 3:00pm
>
> Thank you,

Stacie

From: Wisniewski, Wendy (GOV)
Sent: Friday, January 30, 2015 11:05 AM
To: Clayton, Stacie (GOV)
Subject: Re: Flint Conference Call

I just confirmed with Beth that she will be in the office for the call so he should be taken care of

Sent from my iPhone

On Jan 30, 2015, at 11:02 AM, "Clayton, Stacie (GOV)" <claytons3@michigan.gov> wrote:

> Thank you, will do. Enjoy your afternoon.
>
> ***Stacie***
>
> ---
>
> **From:** Wisniewski, Wendy (GOV)
> **Sent:** Friday, January 30, 2015 11:02 AM
> **To:** Clayton, Stacie (GOV)
> **Subject:** Re: Flint Conference Call
>
> Stacie - just so you know. I won't be in the office this afternoon so if Dennis doesn't get on the call you might want to call Lynne and see if she can stop by his office and make sure he calls in
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11:30am
12:00pm
1:00pm
1:30pm
2:00pm
2:30pm
3:00pm

Thank you,
Stacie

From: Wisniewski, Wendy (GOV)
Sent: Thursday, February 12, 2015 1:46 PM
To: Governor Rick Snyder; Brian Calley ([redacted]; Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Scott, Allison (GOV)
Cc: Saunders, Kelli (GOV)
Subject: COS Agenda

Here is the agenda, and call in number for COS at 2:00 p.m.

[redacted] to dial in as host

COS Agenda
February 12, 2015

Weekly COS Issues

[redacted]

11. Flint Water

[redacted]

Wendy Wisniewski
Executive Assistant to Dennis Muchmore
and Beth Clement
Executive Office of Governor Rick Snyder
George W. Romney Building, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5601
WisniewskiW@michigan.gov

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, March 03, 2015 12:56 PM
To: Hollins, Harvey (GOV); Baird, Richard (GOV); Saxton, Thomas (Treasury); Clement, Elizabeth (GOV); Murray, David (GOV); Agen, Jarrod (GOV); Workman, Wayne (TREASURY)
Cc: Clayton, Stacie (GOV); VanSickle, Michele (GOV); Pleyte, Beth (Treasury); Dempkowski, Angela (Treasury)
Subject: RE: Flint Phone Call

Beth is available 3:00 – 4:30

From: Hollins, Harvey (GOV)
Sent: Tuesday, March 03, 2015 12:56 PM
To: Muchmore, Dennis (GOV); Baird, Richard (GOV); Saxton, Thomas (Treasury); Clement, Elizabeth (GOV); Murray, David (GOV); Agen, Jarrod (GOV); Workman, Wayne (TREASURY)
Cc: Clayton, Stacie (GOV); Wisniewski, Wendy (GOV); VanSickle, Michele (GOV); Pleyte, Beth (Treasury); Dempkowski, Angela (Treasury)
Subject: Flint Phone Call
Importance: High

I'd like to convene a phone call today to discuss a Flint water solution. Please let Stacie know your availability for a call today anytime between 2pm and 5pm and she will send out the appointment and conference line information. I'll loop in Gerry Ambrose once we reach consensus.

Best,
Harvey

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, March 03, 2015 2:00 PM
To: Clayton, Stacie (GOV)
Subject: FW: Flint Phone Call

Importance: High

Hey Stacie – I took Dennis off this email when I answered because I'm really trying to not bother him while he's on vacation. . . at least this first week. Can you please ask Harvey to run everything by Beth before he goes to Dennis on anything.

From: Hollins, Harvey (GOV)
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Best,
Harvey

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, March 03, 2015 2:06 PM
To: Clement, Elizabeth (GOV)
Subject: FW: Flint Phone Call

FYI

From: Clayton, Stacie (GOV)
Sent: Tuesday, March 03, 2015 2:06 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: Flint Phone Call

No problem. Harvey said he was getting emails from Dennis on this topic and wanted to keep him in the loop. I did not include Dennis when I sent out the meeting notice. Isn't it time for our vacation too ☺

Stacie

From: Wisniewski, Wendy (GOV)
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To: Clayton, Stacie (GOV)
Subject: FW: Flint Phone Call
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Subject: Flint Phone Call
Importance: High

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Best,
Harvey

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, March 03, 2015 2:07 PM
To: Clayton, Stacie (GOV)
Subject: RE: Flint Phone Call

Ok. Thanks. I'll let Beth know too.

From: Clayton, Stacie (GOV)
Sent: Tuesday, March 03, 2015 2:06 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: Flint Phone Call

No problem. Harvey said he was getting emails from Dennis on this topic and wanted to keep him in the loop. I did not include Dennis when I sent out the meeting notice. Isn't it time for our vacation too ☺

Stacie

From: Wisniewski, Wendy (GOV)
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To: Clayton, Stacie (GOV)
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Importance: High

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Best,
Harvey

From: Wisniewski, Wendy (GOV)
Sent: Friday, July 10, 2015 2:56 PM
To: Clement, Elizabeth (GOV) (clemente@michigan.gov)
Subject: FW: HH/DM Meeting

Should you be in this meeting too?

From: Clayton, Stacie (GOV)
Sent: Wednesday, July 08, 2015 9:54 AM
To: Wisniewski, Wendy (GOV)
Subject: HH/DM Meeting

Hi Wendy,

Is Dennis available next Tuesday, July 14, before 1pm for a meeting in Lansing with Harvey Hollins and Pastor Oscar Overton regarding Flint water?

Stacie

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, July 29, 2015 11:35 AM
To: Clayton, Stacie (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

I don't think Dennis can go to Flint without having to completely reschedule a day and he is out of the office August 10 and then August 12 – 25 so I really can't completely redo a day. There's no place to put things

---

From: Clayton, Stacie (GOV)
Sent: Wednesday, July 29, 2015 11:25 AM
To: Wisniewski, Wendy (GOV)
Subject: FW: Updated Memo on Water Coalition Questions - July 29

FYI…looks like they want to go to Flint next week or have the meeting in Lansing. Please let me know what Dennis says and I'll work on scheduling.

Stacie

From: Hollins, Harvey (GOV)
Sent: Wednesday, July 29, 2015 11:21 AM
To: Muchmore, Dennis (GOV)
Cc: Clayton, Stacie (GOV)
Subject: Re: Updated Memo on Water Coalition Questions - July 29

If your schedule permits, let's go to Flint to meet with them next week, or we can ask them to come back to Lansing. We should convey the response verbally and in person. If you're open to it, I'll ask Stacie to schedule that meeting next week.

Best,
Harvey

On Jul 29, 2015, at 9:03 AM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

> Here's the answers to some of the questions. How do you want to approach the pastors and community leaders, we owe them answers to the questions they asked.
>
> ---
>
> **From:** Workman, Wayne (TREASURY)
> **Sent:** Wednesday, July 29, 2015 8:36 AM
> **To:** Muchmore, Dennis (GOV); Wurfel, Brad (DEQ); Lyon, Nick (DCH); Clement, Elizabeth (GOV)
> **Cc:** Saxton, Thomas (Treasury); Wisniewski, Wendy (GOV)
> **Subject:** FW: Updated Memo on Water Coalition Questions - July 29
> **Importance:** High
>
> All, Attached is a memo and water rate summary answering several of the questions raised by the Flint pastors. Please let me know if you have any questions. Wayne

Wayne L. Workman
Deputy State Treasurer
Michigan Department of Treasury

From: Cline, Richard (Treasury)
Sent: Wednesday, July 29, 2015 8:21 AM
To: Workman, Wayne (TREASURY)
Cc: Dempkowski, Angela (Treasury); Byrne, Randall (Treasury)
Subject: Updated Memo on Water Coalition Questions - July 29
Importance: High

Wayne,

Attached is the water rate table you asked for and I have updated the memo to reference this as an attachment.

If you need anything else, please let me know.

Note that Rob, Randy and I will be in Benton Harbor for a portion of today conducting their annual RTAB evaluation.

Eric Cline | Department Manager
State of Michigan | Michigan Department of Treasury | Office of Fiscal Responsibility
430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
Lansing Office (517) 335-2078 | [redacted] Traverse City Office (231) 922-5228
E-mail clinerl@michigan.gov

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<Memo on Water Coalition Questions III.07-29-15.docx>

<Flint Water Rate History FINAL 02.11.15.pdf>

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, July 29, 2015 11:43 AM
To: 'Clayton, Stacie (GOV)'
Subject: RE: Updated Memo on Water Coalition Questions - July 29

He could do an hour between 9:00 – 11:00 or he could miss lunch and do noon – 1:00

From: Clayton, Stacie (GOV)
Sent: Wednesday, July 29, 2015 11:42 AM
To: Wisniewski, Wendy (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

Thank you. Can Dennis do Lansing on Tuesday, August 4, before 3pm? If not, I'll see if Harvey wants me to schedule him to do the meeting in Flint another day without Dennis.

Stacie

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, July 29, 2015 11:35 AM
To: Clayton, Stacie (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

I don't think Dennis can go to Flint without having to completely reschedule a day and he is out of the office August 10 and then August 12 – 25 so I really can't completely redo a day. There's no place to put things

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From: Clayton, Stacie (GOV)
Sent: Wednesday, July 29, 2015 11:25 AM
To: Wisniewski, Wendy (GOV)
Subject: FW: Updated Memo on Water Coalition Questions - July 29

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Stacie

From: Hollins, Harvey (GOV)
Sent: Wednesday, July 29, 2015 11:21 AM
To: Muchmore, Dennis (GOV)
Cc: Clayton, Stacie (GOV)
Subject: Re: Updated Memo on Water Coalition Questions - July 29

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Best,
Harvey

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Here's the answers to some of the questions. How do you want to approach the pastors and community leaders, we owe them answers to the questions they asked.

From: Workman, Wayne (TREASURY)
Sent: Wednesday, July 29, 2015 8:36 AM
To: Muchmore, Dennis (GOV); Wurfel, Brad (DEQ); Lyon, Nick (DCH); Clement, Elizabeth (GOV)
Cc: Saxton, Thomas (Treasury); Wisniewski, Wendy (GOV)
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Importance: High

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Wayne L. Workman
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Importance: High

Wayne,

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If you need anything else, please let me know.

Note that Rob, Randy and I will be in Benton Harbor for a portion of today conducting their annual RTAB evaluation.

Eric Cline | Department Manager
State of Michigan | Michigan Department of Treasury | Office of Fiscal Responsibility
430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
Lansing Office (517) 335-2078 | [redacted] | Traverse City Office (231) 922-5228
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<Memo on Water Coalition Questions III.07-29-15.docx>

<Flint Water Rate History FINAL 02.11.15.pdf>

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, July 29, 2015 11:51 AM
To: Clayton, Stacie (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

No. Dennis has a meeting until noon and he really needs to be done by 1:00. It can't run over. I couldn't get him out of there last time. Lunch will just make the meeting longer and he doesn't have the room in his schedule.

From: Clayton, Stacie (GOV)
Sent: Wednesday, July 29, 2015 11:46 AM
To: Wisniewski, Wendy (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

Could we do 11:30am-1pm and include lunch? I'll take care of ordering, etc.

Stacie

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, July 29, 2015 11:43 AM
To: Clayton, Stacie (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

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Sent: Wednesday, July 29, 2015 11:42 AM
To: Wisniewski, Wendy (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

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To: Clayton, Stacie (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

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Subject: FW: Updated Memo on Water Coalition Questions - July 29

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Sent: Wednesday, July 29, 2015 11:21 AM
To: Muchmore, Dennis (GOV)
Cc: Clayton, Stacie (GOV)
Subject: Re: Updated Memo on Water Coalition Questions - July 29

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Best,
Harvey

On Jul 29, 2015, at 9:03 AM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

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> **Sent:** Wednesday, July 29, 2015 8:36 AM
> **To:** Muchmore, Dennis (GOV); Wurfel, Brad (DEQ); Lyon, Nick (DCH); Clement, Elizabeth (GOV)
> **Cc:** Saxton, Thomas (Treasury); Wisniewski, Wendy (GOV)
> **Subject:** FW: Updated Memo on Water Coalition Questions - July 29
> **Importance:** High
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> Wayne L. Workman
> Deputy State Treasurer
> Michigan Department of Treasury
>
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> **Cc:** Dempkowski, Angela (Treasury); Byrne, Randall (Treasury)
> **Subject:** Updated Memo on Water Coalition Questions - July 29
> **Importance:** High
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> If you need anything else, please let me know.

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Eric Cline | Department Manager
State of Michigan | Michigan Department of Treasury | Office of Fiscal Responsibility
430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
Lansing Office (517) 335-2078 | [redacted] | Traverse City Office (231) 922-5228
E-mail clinerl@michigan.gov

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<Memo on Water Coalition Questions III.07-29-15.docx>

<Flint Water Rate History FINAL 02.11.15.pdf>

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Subject: RE: Updated Memo on Water Coalition Questions - July 29

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To: Wisniewski, Wendy (GOV)
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Deputy State Treasurer
Michigan Department of Treasury

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Importance: High

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Eric Cline | Department Manager
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<Memo on Water Coalition Questions III.07-29-15.docx>

<Flint Water Rate History FINAL 02.11.15.pdf>

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, July 29, 2015 12:04 PM
To: Clayton, Stacie (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

Sounds good. I'll hold the time on Dennis' calendar

From: Clayton, Stacie (GOV)
Sent: Wednesday, July 29, 2015 12:01 PM
To: Wisniewski, Wendy (GOV)
Subject: RE: Updated Memo on Water Coalition Questions - July 29

You are nicer than me. I don't let them in if they arrive later than 30 minutes after the start of the meeting – smile. I'll tell Harvey that Dennis has to leave at 10:30am and Harvey can continue meeting if necessary. Is it okay for me to schedule it now?

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<Memo on Water Coalition Questions III.07-29-15.docx>

<Flint Water Rate History FINAL 02.11.15.pdf>

From: Wisniewski, Wendy (GOV)
Sent: Thursday, September 24, 2015 12:38 PM
To: Rospond, Laurie (GOV) (rospondl@michigan.gov)
Subject: FW: Important call today

-----Original Message-----
From: Clayton, Stacie (GOV)
Sent: Thursday, September 24, 2015 12:33 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Hollins, Harvey (GOV) <hollinsh@michigan.gov>
Subject: Important call today

Hi Wendy,

I just tried your desk phone. I'm on vacation today. Will you please assist Harvey in setting up a conf call for this afternoon regarding Flint water? This is time-sensitive.

The call should include Muchmore, Clement, Baird, Wyant, Lyon, Saxton, and D. Murray.

Please let me know. Thank you.

Stacie Clayton
Sent from my iPhone

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, September 29, 2015 8:41 AM
To: Saxton, Thomas (Treasury)
Subject: RE: KWA & Water Quality Chronology Timeline

I'll make sure he sees it. He's out of the office this morning in meetings so he may actually see it from there.

From: Saxton, Thomas (Treasury)
Sent: Tuesday, September 29, 2015 8:36 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: FW: KWA & Water Quality Chronology Timeline
Importance: High

Wendy – I should of "cc'd" on this... to make sure Dennis sees it or doesn't miss it.

From: Saxton, Thomas (Treasury)
Sent: Monday, September 28, 2015 5:57 PM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>
Cc: Khouri, Nick (TREASURY) [redacted]Vorkman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Stanton, Terry A. (Treasury) <StantonT@michigan.gov>; Wurfel, Brad (DEQ) <WurfelB@michigan.gov>
Subject: FW: KWA & Water Quality Chronology Timeline
Importance: High

Dennis – attached is a first draft of a timeline. We will refine it tomorrow. We rec'd some info from Brad that we might need to incorporate. And Terry & Wayne's staff are still coming up with dates/events. Please let us know if this is what you had in mind.

Terry found these links; including an article when City Council approved the move/switch. There are some noteworthy quotes.

http://blog.mlive.com/newsnow_impact/print.html?entry=/2013/03/flint_city_council_approves_re.html

http://www.mlive.com/news/flint/index.ssf/2012/10/construction_permit_approved_s.html

Flint City Council approves resolution to buy water from Karegnondi, state approval still needed

Dominic Adams | dadams5@mlive.com By **Dominic Adams** | dadams5@mlive.com The Flint Journal

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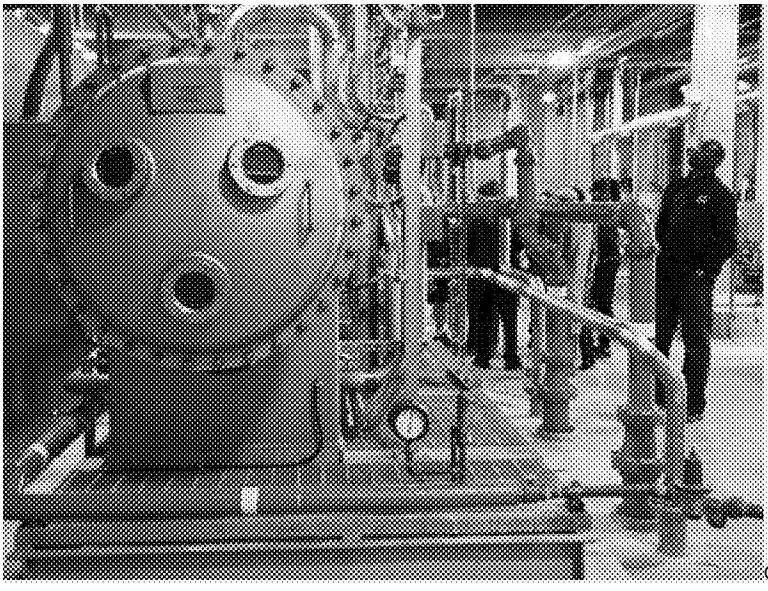
on March 25, 2013 at 10:45 PM, updated March 26, 2013 at 1:28 AM



Guests get a look at an ozone generator at the Flint Water Treatment Plant during a public tour in this file photo. MLive.com File Photo

FLINT, MI – Flint is one step closer to getting its water from Lake Huron as part of the Karegnondi Water Authority.

The vote, **approved 7-1 at the Flint City Council meeting Monday, March 25**, may have set in motion the end to Flint paying to get its water from Detroit.

Under the proposal, Flint would get 16 million gallons per day of raw water from Lake Huron, pipe it to Flint for treatment and then sell it to customers throughout the city. Another 2 million gallons per day would come from the Flint River and will be treated in Flint.

Mayor Dayne Walling said the Department of Environmental Quality must approve Flint's getting 2 million gallons per day from the Flint River.

Tuesday's meeting followed weeks of discussions and special meetings surrounding the resolution.

"We got there," Councilman Joshua Freeman said. "That's the important thing."

There were more than 50 people at Monday's meeting.

"Going with Karegnondi is the best decision. We have no opinion on the economics of the decision," said Rebecca Fedewa, Flint River Watershed Coalition executive director. "If we start drawing water out of the Flint River, we are at risk of having to start releasing water from our reservoirs."

Genesee County Drain Commissioner Jeff Wright said the decision must still be approved by a county water and waste advisory board. The KWA board will then be reconvened for final approval.

Wright said construction could start in May.

State treasury officials still must approve the city council's move because Flint has an emergency financial manager. All expenditures over $50,000 must be approved.

Genesee County Drain Commissioner Jeff Wright has said that Flint would pay roughly $6.4 million annually for water service if it joined the pipeline – a nearly $4 million savings on what it pays Detroit for water.

Walling previously said the **city would save $19 million over eight years** by getting water from the KWA.

"It's a historic night in the City of Flint," Walling said. "The savings will be less with the capacity level approved by city council because there will be increased treatment cost for the river water."

He said the DEQ told the city it needed to get 18 million gallons per day or there would have to be additional work done at Flint's water plant.

Flint's water plant and the Flint River is currently the backup for Flint and Genesee County, however, the plant only operates four times per year.

Councilman Bryant Nolden was the lone dissenting vote.

"It was a protest vote," Nolden said. "I knew they had enough votes. I just feel like the Flint River is our best option."

Karengnondi is the regional water authority that includes Genesee, Lapeer and Sanilac counties and the cities of Flint and Lapeer.

****

Massive Karegnondi water project moving forward after state OKs pipeline tap into Lake Huron

Print

By Ron Fonger | rfonger1@mlive.com The Flint Journal
on October 01, 2012 at 7:00 AM, updated October 01, 2012 at 7:32 AM

0
Reddit
Email

Jeff Wright

GENESEE COUNTY, MI -- The state has approved a critical permit that allows the Karegnondi Water Authority to tap into Lake Huron with a 1.5-mile underground intake.

But water authority officials are still waiting for Flint to decide if it will be part of it.

Construction on the intake -- estimated to cost $27 million -- might mark the no-turning-back point for the massive project, and county Drain Commissioner Jeff Wright said other developments make it necessary Flint to make a final decision on its involvement in the next few months.

As control of Flint has shifted from mayors and city councils to emergency managers, the city has never committed to buying a minimum volume of water from the KWA.

"The only question at this point really is whether Flint is going to be a partner," said Wright, who has met with emergency financial manager Ed Kurtz and wants to resolve the question before Kurtz leaves his position -- something likely to happen soon after the November election.
"I'd say we have a couple of months here," Wright said of Flint's deadline. He described Kurtz as positive about the city's potential involvement but said, "There's still some questions Flint is working on with Detroit and Lansing."

Kurtz said he can't predict what will happen.

"We're looking at all our options," Kurtz said Friday.
County Commissioner Ted Henry, D-Clayton Twp., said regardless of the city's participation, the pipeline can be built by the remaining partners: Genesee, Sanilac and Lapeer counties and the city of Lapeer.

"The answer is yes," Henry said. "It will be a little different but it can go,"

The drain commissioner said construction of the pipeline intake, which has already been designed, is expected to start this year, after the job is put out for bids and borrowing is authorized by the county Board of Commissioners.

Building the intake will be specialized work, part of which must be done from a barge, and will require building tunnels below the sand bottom of the lake and laying an 84-inch pipe below the surface of the water.

In addition to the state Department of Environmental Quality permit to build the intake, the KWA also needs approval from the U.S. Army Corp of Engineers, Wright said.

A 45-day public comment period on the intake permit has passed and county officials said they expect the permit to be approved within two weeks.

Among other recent developments in the pipeline project:

- The Genesee County Water and Waste Advisory Committee, made up of elected and appointed city, township and village officials, has voted unanimously to set a date for accepting public bids to build the intake.
- The same committee has approved negotiating a contract with Wade Trim to act as program manager for the pipeline project once all necessary permits have been received.
- The county has revised its estimate on the cost of the intake portion of the pipeline from $40 million to $27 million.

Wright said his office is ready to negotiate a contract for Wade Trim to oversee the pipeline work, and said he expects six or seven engineering and surveying companies to assist in getting the job done.

County officials count those jobs among the 1,000 that they say will be created by building the pipeline.

"I want to use local (people) wherever possible and keep the money here," Wright said.

The drain commissioner said the selection of Wade Trim is important to the city of Flint because it signals the start of engineering, which includes decisions about the size of pumps, motors and pipes that will be used to build the pipeline.

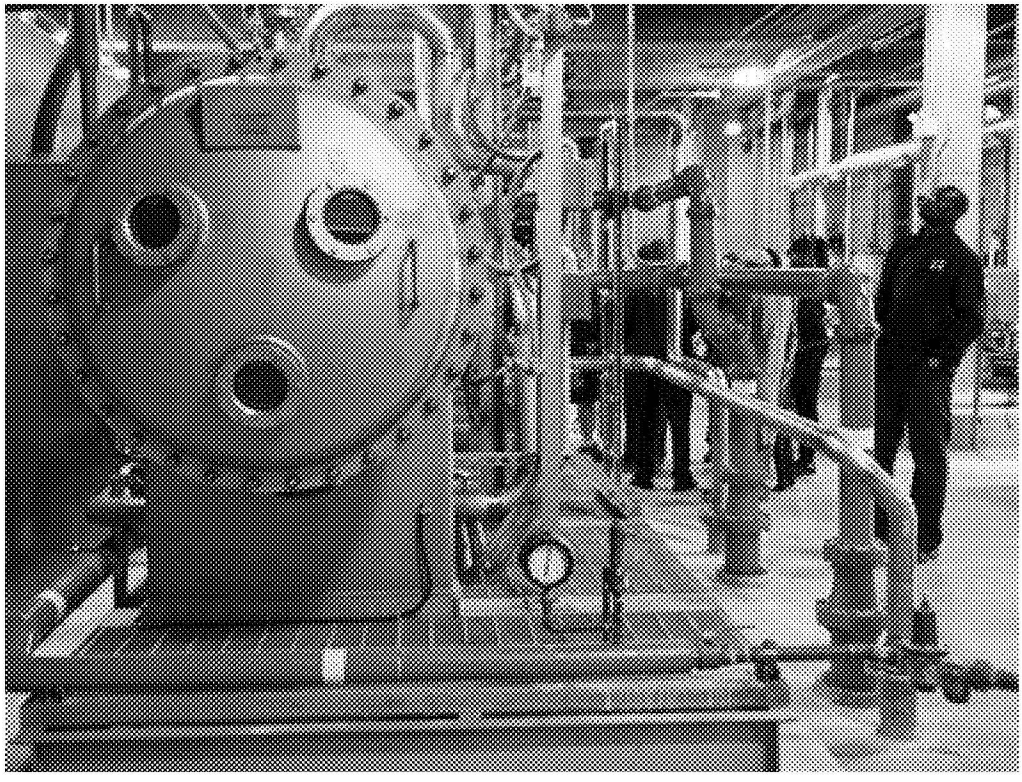
Flint officials have options, including the use of Flint River water, or continuing to purchase water from the city of Detroit.

Wright said the only choice for the rest of the county is build the pipeline or sign a 30-year contract with Detroit.

A KWA study claims that continuing to buy water from Detroit will cost the region $2.1 billion during the next 25 years. By building a pipeline, that cost would be $1.9 billion over the same period, the KWA Web site says.

After the initial 25-year period, the cost of water would be less than 25 percent of the projected cost of water form Detroit, according to KWA.

Ron Fonger can be reached at 810-347-9963. You can also follow him on Twitter @ronfonger or subscribe on Facebook.



From: Wisniewski, Wendy (GOV)
Sent: Tuesday, September 29, 2015 11:00 AM
To: Scott, Allison (GOV)
Cc: Agen, Jarrod (GOV)
Subject: Flint Water Timeline
Attachments: KWA & Water Quality Chronology Timeline.09-28-15.docx

Per our discussion, attached is the draft timeline that Tom Saxton sent to Dennis

Wendy Wisniewski
Executive Assistant to Dennis Muchmore
and Beth Clement
Executive Office of Governor Rick Snyder
George W. Romney Building, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5601
WisniewskiW@michigan.gov

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

Flint Water Timeline (09-28-15)

June 26, 2012 – Letter from Flint EM Mike Brown to DWSD for permission to begin blending Flint River water with treated water from DWSD. The letter indicates that the DEQ is supporting this option and its implementation would save the City between $2M and $3M annually.

September 20, 2012 – Letter from Flint EM Ed Kurtz to DWSD requesting written permission to implement the blending option. Approval is requested by October 1, 2012.

October 31, 2012 – Analysis by the Flint Finance Director suggests that the annual cost to purchase water from DWSD will steadily increase to $23M per year by fiscal year 2020.

November 2012 – Treasury retains Tucker, Young, Jackson and Tull (TYJT) to evaluate the KWA proposal to the City of Flint.

November 6, 2012 – Letter from Flint Emergency Manager Ed Kurtz to State Treasurer Dillon that a proposal from DWSD is expected but that the initial assessment is that switching to KWA is in the best interest of the City of Flint.

February 2013 – TYJT issues a final report to Treasury on the comparison between Karegnondi Water Authority (KWA) and DWSD. Analysis suggests that the KWA option is the cheaper option for the City of Flint.

March 2013 – DWSD contacts the City of Flint to begin direct negotiations on a contract extension. Multiple options are provided to the Flint Emergency Manager (EM) Ed Kurtz.

March 26, 2013 – The Flint City Council endorses joining KWA.

April 11, 2013 – State Treasurer Andy Dillon authorizes Flint EM Ed Kurtz, pursuant to Section 12(3) of P.A. 436 of 2012, to enter into a contract with KWA if a final offer from DWSD is either not received for rejected in good faith based upon specific objections.

April 15, 2013 – DWSD provides a best and final offer to the City of Flint. Analyses by Flint EM Ed Kurtz, the Department of Environmental Quality and Treasury's Office of Fiscal Responsibility independently conclude that the KWA option is cheaper for the City of Flint.

April 16, 2013 –Flint EM Ed Kurtz informs the State Treasurer that the City will join KWA. This decision was officially announced May 1, 2013.

April 17, 2013 – DWSD transmits a letter to Flint EM Ed Kurtz terminating service to the City of Flint, effective April 17, 2014.

June 2013 – Groundbreaking for the Karegnondi Water Authority. Flint also requests full time use of the Flint Water Treatment Plant with Flint River water as a source.

June 28, 2013 – Financing Contract between the City of Flint and KWA is approved. Effective September 1, 2013. This document was signed by EM Mike Brown.

February 19, 2014 – The KWA Board of Directors adopts Resolution 2014-01, authorizing KWA to bond for water line construction on-behalf of the City of Flint.

April 17, 2014 – Water service from DWSD officially ends. The City of Flint also conducts two separate public forums regarding the use of Flint River water, upgrades to the City's water system and the overall cost of the switch to KWA.

April 25, 2014 – City conducts public event marking the transition to the use of Flint River water. DEQ information shows that transition complete by May 2015.

March 3, 2015 – Flint EM Jerry Ambrose provides a memorandum to Deputy State Treasurer Wayne Workman stating that a reconnection to DWSD will cost the City $10.1M/year and that water purchases could be as high as $1M/month.

March 12, 2015 – The City of Flint hires Veolia to conduct an operational evaluation of the City's water system.

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, September 29, 2015 11:43 AM
To: Emmitt, Beth (GOV)
Subject: FW: RDS/DM/BM/NL/DW/Maggie Pallone/Karen Tommasulo/Col. Etue/HH - Meeting Re: Flint Water

-----Original Message-----
From: Klotz, Josephine (MSP)
Sent: Tuesday, September 29, 2015 11:42 AM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; GovCalendar[redacted]
Cc: Mcbride, Bill (GOV) <mcbrideb@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Lyon, Nick (DCH)[redacted]; Grijalva, Nancy (DCH) <GrijalvaN@michigan.gov>; Wyant, Dan (DEQ) <[redacted]; Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov>; Etue, Kriste (MSP) [redacted] Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Clayton, Stacie (GOV) <claytons3@michigan.gov>; Hansen, Rachel (GOV) <hansenr3@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Subject: RE: RDS/DM/BM/NL/DW/Maggie Pallone/Karen Tommasulo/Col. Etue/HH - Meeting Re: Flint Water

Could we add Lt. Colonel Sands? Colonel Etue would like him to attend also.

Please and thanks?

Josephine E. Klotz
Senior Executive Management Assistant
to Col. Kriste Kibbey Etue, Director
Michigan State Police
333 S. Grand Avenue
P.O. Box 30634
Lansing, MI 48909-0634
Telephone: (517) 241-0401

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"

-----Original Message-----
From: Muchmore, Dennis (GOV)
Sent: Tuesday, September 29, 2015 11:38 AM
To: GovCalendar
Cc: Mcbride, Bill (GOV); Wisniewski, Wendy (GOV); Lyon, Nick (DCH); Grijalva, Nancy (DCH); Wyant, Dan (DEQ); Thelen, Mary Beth (DEQ); Etue, Kriste (MSP); Klotz, Josephine (MSP); Hollins, Harvey (GOV); Clayton, Stacie (GOV); Hansen, Rachel (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Saxton, Thomas (Treasury)
Subject: Re: RDS/DM/BM/NL/DW/Maggie Pallone/Karen Tommasulo/Col. Etue/HH - Meeting Re: Flint Water

Please add Tom Saxton to this.

> On Sep 29, 2015, at 11:36 AM, GovCalenda [redacted] wrote:
>
> (888) 363-4734 ,9699404#,0#
>
> HH by Phone
> [redacted]
>
> <meeting.ics>

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, September 29, 2015 11:55 AM
To: Saxton, Thomas (Treasury); Muchmore, Dennis (GOV)
Subject: RE: RDS/DM/BM/NL/DW/Maggie Pallone/Karen Tommasulo/Col. Etue/HH - Meeting Re: Flint Water

Yes 1:00 in the Governor's Office although I have a feeling they may need to move it to Governor's Conference Room

-----Original Message-----
From: Saxton, Thomas (Treasury)
Sent: Tuesday, September 29, 2015 11:52 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>
Subject: RE: RDS/DM/BM/NL/DW/Maggie Pallone/Karen Tommasulo/Col. Etue/HH - Meeting Re: Flint Water
Importance: High

So what is the time of the meeting is ? [1:00 ?]. And I assume in the Romney (not just by phone) ?

-----Original Message-----
From: Muchmore, Dennis (GOV)
Sent: Tuesday, September 29, 2015 11:38 AM
To: GovCalendar [redacted]
Cc: Mcbride, Bill (GOV) <mcbrideb@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Lyon, Nick (DCH) [redacted]; Grijalva, Nancy (DCH) <GrijalvaN@michigan.gov>; Wyant, Dan (DEQ) [redacted]; Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov>; Etue, Kriste (MSP) [redacted] Klotz, Josephine (MSP) <KlotzJ@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Clayton, Stacie (GOV) <claytons3@michigan.gov>; Hansen, Rachel (GOV) <hansenr3@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Subject: Re: RDS/DM/BM/NL/DW/Maggie Pallone/Karen Tommasulo/Col. Etue/HH - Meeting Re: Flint Water

Please add Tom Saxton to this.

> On Sep 29, 2015, at 11:36 AM, GovCalendar [redacted] wrote:
>
> (888) 363-4734 ,9699404#,0#
>
[redacted]

> <meeting.ics>

From: Wisniewski, Wendy (GOV)
Sent: Monday, October 05, 2015 2:55 PM
To: Agen, Jarrod (GOV); Clement, Elizabeth (GOV) (clemente@michigan.gov)
Subject: Document re Flint
Attachments: 20151005142352484.pdf

Dennis asked me to send you this document.

Received From Flint Coalition

Copy to JA/JC

COMMENTARY: MDEQ Mistakes and Deception Created the Flint Water Crisis

September 30, 2015 Articles

As results of our collaborative research with Flint residents exposed widespread problems with elevated levels of lead in Flint's water, the Michigan Department of Environmental Quality (MDEQ) repeatedly attempted to discredit our findings and downplay the public health threat. For example, MDEQ's Communications Director Brad Wurfel wrote to The Flint Journal's Ronald Fonger:

"...the state DEQ is just as perplexed by Edwards' results as he seems to be by the City's test results. When I said we were unsure how the Virginia Tech team got its results, that's not the same as being surprised that they got them. ...this group specializes in looking for high lead problems. They pull that rabbit out of that hat everywhere they go. Nobody should be surprised when the rabbit comes out of the hat, even if they can't figure out how it is done.....while the state appreciates academic participation in this discussion, offering broad, dire public health advice based on some quick testing could be seen as fanning political flames irresponsibly. Residents of Flint concerned about the health of their community don't need more of that."

Now that Dr. Mona Hanna-Attisha and Hurley Medical Center researchers have revealed that the rising levels of lead in Flint water have been associated with increased blood lead of Flint's

children, our early health advice has been vindicated by most accounts. But MDEQ still dismisses the water controversy as "near-hysteria,"and characterizes the Hurley study conclusions as ***"unfortunate"*** if not quite***"irresponsible."***

Given MDEQ's insistence that there is absolutely nothing wrong with Flint water, we have created a timeline that illustrates how MDEQ's mistakes and deception created the Flint Water Crisis in the first place. Our analysis relies on e-mails and documents obtained through Freedom of Information Act (FOIA) requests by the American Civil Liberties Union-Michigan (ACLU of Michigan) and FlintWaterStudy.org.

All FOIA documents are provided at the end of this article for review.

Phase 1. MDEQ Fails to Require Corrosion Control for Flint River Water (April 2014)

Effective July 1998, the federal Lead and Copper Rule (LCR) has required that all large public water systems maintain a program to control levels of lead in drinking water from corrosion. Moreover, the law also requires the City of Flint to have a state approved plan, with enforceable regulatory limits for "Water Quality Parameters" including pH, alkalinity and/or corrosion inhibitor dose measured in the water distribution system.

MDEQ never required Flint to have a corrosion control program, nor did it set water quality parameters for the new Flint River source water. While MDEQ asserts that they are acting proactively to get a corrosion control program in Flint, there is

no provision in the LCR that allows for corrosion control to ever be interrupted.

As a direct result of this mistake, Flint residents have been completely unprotected from elevated lead in water from the moment the switch to Flint River water was made. This has created a conflict of interest for MDEQ ever since. Specifically, MDEQ's failure to require a corrosion control program is what created the Flint water crisis in the first place–they now have a vested interest in covering up the problem.

Phase 2. MDEQ misinforms the USEPA about Flint's Corrosion Control (February-March 2015)

Even if we assume MDEQ was confused about its obligations under the LCR, when problems with high lead started to crop up in February 2015, they should have quickly acted to correct the mistake. Samples with high lead were reported at the University of Michigan-Flint Campus, and on February 26, 2015 Mike Glasgow (City of Flint) did excellent detective work discovering high lead (over 100 ppb) in water samples from Flint resident Lee-Anne Walters' home.

Ms. Walters immediately forwarded her results to representatives of USEPA Region 5, who in turn immediately forwarded the results to Stephen Busch and Mike Prysby (MDEQ) with the subject line "**HIGH LEAD: FLINT Water testing Results**" The EPA e-mail correctly informed MDEQ that Ms. Walters' high lead was likely due to "***... the different chemistry water...leaching out contaminants from the insides of...the pipes.***"But MDEQ denied to EPA that that Flint had a lead in water problem.

At that point, EPA Region 5 lead-in-water expert Miguel Del Toral asked MDEQ a question through another EPA employee:

"Miguel was wondering if Flint is feeding Phosphates. Flint must have Optimal Corrosion Control Treatment- is it Phosphates?"

On February 27th, 2015, MDEQ's Stephen Busch unequivocally and falsely responded to EPA that:

"The City of Flint...Has an Optimized Corrosion Control Program <and> Conducts quarterly Water Quality Parameter monitoring at 25 sites and has not had any unusual results."

Reassured by MDEQ's false statement, Del Toral ended USEPA's February conversation with MDEQ by stating:

"If I remember correctly, Detroit is feeding PO4 for the LCR, but since Flint is no longer part of that interconnection, I was wondering what their <Optimal Corrosion Control> was. They are required to have <Optimal Corrosion Control> in place which is why I was asking what they were using."

On March 18, 2015, Lee-Anne Walters' home was retested after flushing her system thoroughly. This time the test result came back even worse with 397 ppb lead– almost 40 times higher than the World Health Organization 10 ppb safety threshold. EPA Region 5 forwarded the results to MDEQ, with a query ***"Any thoughts on how to respond to her? I'm running out of ideas."***

MDEQ's response, delivered in a voicemail to Del Toral on March 19, 2015, stated that***MDEQ had investigated and found Ms. Walters' high lead was due to lead sources in her plumbing***. On March 27, 2015, Walters' son, who had been having health problems, was tested for lead in his blood. The blood lead results came back high– well over the 5 ug/dL CDC threshold of concern.

Phase 3. Walters and Del Toral Investigate the Veracity of MDEQ Statements (April to June 2015)

With good reason, Lee-Anne Walters did not accept the MDEQ's explanation to Del Toral for the high lead in her water. The internal plumbing had been stolen from the house before it was purchased, and they had installed new (lead free) plastic plumbing before moving in.

Walters also checked up on the MDEQ statement that Flint had "an Optimized Corrosion Control Program." She called the City of Flint, and city officials correctly informed her that there was no program at all.

Walters then passed this alarming information along to EPA's Del Toral, who on April 23rd e-mailed MDEQ, and again asked what corrosion control program Flint was using. It was only then that MDEQ finally acknowledged that there was NO program. Concerned due to the very high occurrence of lead service lines (LSLs) in Flint, on April 27th Del Toral wrote an EPA Region 5 internal e-mail stating:

"Flint has not been operating any corrosion control treatment, which is very concerning given the likelihood of LSLs in the City."

That night Del Toral also stopped at Walters' house on a trip north, and personally inspected her plumbing first hand. He confirmed it was plastic and lead-free. Del Toral also dropped off sample bottles at the Walters' home, and told her that if she wanted an analysis to contact Professor Marc Edwards (the author of this article and Principal Investigator of FlintWaterStudy.org) at Virginia Tech.

The next morning Edwards talked Walters through an intensive 30 bottle sampling protocol. When the bottles were returned to Virginia Tech and analyzed, Edwards and his senior research scientist Dr. Jeff Parks were stunned by the results. The average lead in was 2,429 ppb lead, the high was 13,200 ppb, and even after 25 minutes flushing the water never dropped below 200 ppb. After Walters told Del Toral about the high lead results, he drove back to Flint, just in time to observe the City replacing the service line to Walters' home. He personally collected a sample of the pipe and verified it to be pure lead.

In a follow-up memo dated June 24, 2015, which was sent to both Walters and Edwards, Del Toral outlined numerous concerns about the situation regarding the serious lead corrosion problem in Flint. *He included a clear recommendation that the USEPA investigate whether the City of Flint was in compliance with federal laws for lead corrosion control.*

Phase 4. MDEQ "Handles" the LCR Report, ACLU-Michigan, Virginia Tech and Miguel Del Toral (July to August 2015)

> **"Revising" the Original LCR Report.** In spite of all the problems documented with lead in Flint water from February to June 2015, Flint and MDEQ took a lackadaisical approach to the federally required LCR sampling program. Specifically, just 5 days before the June 30th deadline to collect the 100 samples that MDEQ required, the City had only collected 39 samples.

Adam Rosenthal (MDEQ) e-mailed Mike Glasgow at the City of Flint:

"We hope you have 61 more lead/copper samples collected and sent to the lab by 6/30/15, and that they will be below the AL for lead. As of now with 39 results, Flint's 90th percentile is over the AL for lead."

In the next five days the City collected 30 samples, all of which were below the action level, and did not reach the 100 sample target. If all 71 submitted samples had been considered valid, the City would have exceeded the 15 ppb action level. *Federal law would then require that Flint residents be provided information about how to protect themselves and their children from lead in water. MDEQ's failure to install corrosion control would have been flagged as an obvious mistake. But none of that happened.*

Instead, the MDEQ "revised" the City's original LCR report, invalidating two high lead results, so that the 90%'ile was under the 15 ppb action level. The validity of samples showing low lead in the City's sampling was never questioned. This is a problem,

because the City has now admitted that they do not know which homes had lead pipe, even though it is stated in writing in the report that all sampled homes had lead pipe. By law, at least 50 percent of the homes sampled must be verified to have lead pipe, and the remainder of homes sampled must have been built before 1986 and known to have lead solder. There is no basis for believing that this requirement was met in either the 2014 or 2015 LCR sampling events conducted by the City. Hence, the City of Flint has not had a valid LCR sampling event since the switch to Flint River water.

MDEQ then lowered the minimum number of required samples from 100 to 60, making it look like the City of Flint had met the target. MDEQ also did not question the City's open acknowledgement that homes from 2014 had not been re-sampled, or that high risk (Tier 1) sites were not used.
The original report, due July 10th, was also late by several weeks. All of these violations of federal law were glossed over, to make it appear that the City had passed its lead testing with flying colors. Just like that, according to MDEQ at least, the City of Flint had no LCR violations at all.

> **ACLU-Michigan FOIA**. The timing by which the "revised" LCR report was created, is also of interest. On July 22, 2015, the ACLU-Michigan submitted a FOIA to MDEQ, requesting the City of Flint's LCR report supposedly due on July 10, 2015. The City's original LCR report with all the obvious problems is dated July 28, 2015. MDEQ never provided the ACLU-Michigan with the original LCR report. Instead, they created the scrubbed revised report, on August 20, 2015, and sent that report to ALCU-Michigan (from the City of Flint) the next day. In the

comments section of the report, Flint openly states ***"Revised report after conference call with DEQ staff. Two samples were removed from list for not meeting sample criteria, and due to population the number of samples was reduced to 60."***

> MDEQ to FlintWaterStudy.org FOIA: What conference call? On September 9, 2015, Virginia Tech submitted a FOIA to MDEQ explicitly requesting records and minutes of the conference call between DEQ staff and Flint cited in the revised LCR report. This FOIA request has been denied by MDEQ, because ***"Your request does not include the date/time of the conference call and who from the Department of Environmental Quality participated on the conference call."*** FlintWaterStudy.org immediately appealed the withholding of documents related to the conference call to the State of Michigan. On September 28th, our appeal was denied. We may commence a civil action if we do not agree with the decision.

> Handling Miguel Del Toral. MDEQ obviously had a major problem on its hands with EPA's lead-in-water expert Miguel Del Toral. On August 4th 2015, Lee-Anne Walters and Melissa Mays met with MDEQ officials to discuss Flint's lead in water problems. The MDEQ officials participating in the meeting were identified by Mays and Walters, as Liane Shekter-Smith (Chief of the Office of Drinking Water and Municipal Assistance), Stephen Busch and Brad Wurfel.

According to Walters and Mays, Shekter-Smith bragged that ***"Mr. Del Toral has been handled,"*** and that Flint residents would not be hearing from him again. Moreover,

MDEQ asserted that Mr. Del Toral's interim memo detailing the many problems with Flint's (non-existent) corrosion control program ***"would never be finalized."*** Just yesterday, NPR released a slightly different, but enlightening version of Wurfel's take on Del Toral and the memo:

MDEQ spokesman Brad Wurfel says the report was the work of a "rogue employee," and promised the final report — not yet released — would tell a much different story.

Mays and Walters vividly recall Wurfel, smirking or laughing, whenever they expressed concern about elevated lead in Flint's water. Looking back on the exchange yesterday, Mays stated ***"It is shocking how their refusal to admit they made a mistake, trumped the dangers their actions pose to Flint's children."***

Angered, Lee-Anne Walters then called Edwards, and informed him that Del Toral would no longer be working on Flint water issues, and the two discussed the clear implication that EPA bureaucrats had intervened to prevent Del Toral from further exposing MDEQ's numerous blunders and the health threat to Flint residents. She further stated that ***"It is too late for my son, but I will not stand by and let this happen to another other innocent child in Flint."***

Clearly, the MDEQ, City of Flint and even the USEPA (with the obvious exception of Del Toral) have proved themselves unworthy of the public trust. Flint residents have been left to fend for themselves, when it comes to dealing with the dangers of high lead in their water.

FlintWaterStudy was launched an hour after the phone call from Ms. Walters, to help the citizens of Flint deal with the lead-in-water crisis that MDEQ created, and to correct any false statements by uncaring agencies that have left Flint's children in harm's way.

FOIA Documents:

Emails between MDEQ, USEPA, and Ms. LeeAnne Walters:

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, October 06, 2015 10:48 AM
To: Clement, Elizabeth (GOV)
Subject: FW: Today

From: Rhonda Smith [mailto:RSmith@mhsa.com]
Sent: Tuesday, October 06, 2015 10:43 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: Today

Hi! Just tried you line. Can you please have Beth call Pat's cell - [redacted] Our client Nestle Waters wants to assist with the Flint water issue and Pat wants to talk to her about their needs … whether tankers or bottled water etc. Thanks!

This message and any attachments are solely for the use of the intended recipient (s) and may contain information that is privileged, proprietary and/or confidential. If you are not the intended recipient, you are hereby notified that any review, retransmission, dissemination, distribution, copying, conversion to hard copy or other use of this communication is strictly prohibited. If you are not the intended recipient and have received this message in error, please notify by return email and delete this message from your system.

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, October 06, 2015 10:49 AM
To: Clement, Elizabeth (GOV)
Subject: FW: Today

Should I send them to Nick or have Dennis call them back?

From: Rhonda Smith [mailto:RSmith@mhsa.com]
Sent: Tuesday, October 06, 2015 10:48 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: RE: Today

Should it be Beth or should we reach out to Dan Wyant?

From: Rhonda Smith
Sent: Tuesday, October 06, 2015 10:43 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: Today

Hi! Just tried you line. Can you please have Beth call Pat's cell - [redacted] Our client Nestle Waters wants to assist with the Flint water issue and Pat wants to talk to her about their needs … whether tankers or bottled water etc. Thanks!

From: Wisniewski, Wendy (GOV)
Sent: Tuesday, October 06, 2015 10:55 AM
To: Clement, Elizabeth (GOV)
Subject: RE: Today

I'll forward her the original email as a heads up and tell her you said to direct them to her. Thanks.

From: Clement, Elizabeth (GOV)
Sent: Tuesday, October 06, 2015 10:53 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: Re: Today

Send them to Nick (Geralyn is actually taking lead so they may get a hold of her easier). Let me know if you want me to give here a heads up. She is in this meeting.

Sent from my iPad

On Oct 6, 2015, at 10:48 AM, Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov> wrote:

> Should I send them to Nick or have Dennis call them back?
>
> ---
>
> **From:** Rhonda Smith [mailto:RSmith@mhsa.com]
> **Sent:** Tuesday, October 06, 2015 10:48 AM
> **To:** Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
> **Subject:** RE: Today
>
> Should it be Beth or should we reach out to Dan Wyant?
>
> ---
>
> **From:** Rhonda Smith
> **Sent:** Tuesday, October 06, 2015 10:43 AM
> **To:** Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
> **Subject:** Today
>
> Hi! Just tried you line. Can you please have Beth call Pat's cell - -8[redacted]Our client Nestle Waters wants to assist with the Flint water issue and Pat wants to talk to her about their needs … whether tankers or bottled water etc. Thanks!

From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:13 PM
To: 'Agen, Jarrod (GOV)'
Cc: Clement, Elizabeth (GOV)
Subject: RE: Flint next steps meeting

Jarrod - Before I reached out to Dan and Nick's offices I thought I'd see if there was a time that worked for a majority of our people. Along with your guys calendars, I can see Dick, Rich's and John Walsh's calendars and there is not a time where they are all available at the same time. So can you tell me which one or ones we can lose. Rich is out all day tomorrow and then flies to Nashville Wednesday night and is off on Thursday.

-----Original Message-----
From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: Flint next steps meeting

Wendy,

Can we arrange a meeting in next couple days to discuss next steps with Flint and the after action report for water testing.

Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
Nick Lyon
Harvey
Walsh
Wurfel/Murray
Redford
Dick

Thanks
Jarrod

From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:20 PM
To: Thelen, Mary Beth (DEQ); Grijalva, Nancy (DHHS)
Subject: FW: Flint next steps meeting

Importance: High

Can you tell me what Dan and Nick's availability tomorrow and Wednesday are? Thank you.

-----Original Message-----
From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: Flint next steps meeting

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Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
Nick Lyon
Harvey
Walsh
Wurfel/Murray
Redford
Dick

Thanks
Jarrod

From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:37 PM
To: Grijalva, Nancy (DHHS); Thelen, Mary Beth (DEQ)
Subject: FW: Flint next steps meeting

Importance: High

Actually - Any chance 11:30 a.m. on Wednesday would work? I was trying to find times that worked for all of my people and that might be one if it works for your guys.

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:20 PM
To: Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov>; Grijalva, Nancy (DHHS) <GrijalvaN@michigan.gov>
Subject: FW: Flint next steps meeting
Importance: High

Can you tell me what Dan and Nick's availability tomorrow and Wednesday are? Thank you.

-----Original Message-----
From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: Flint next steps meeting

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Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
Nick Lyon
Harvey
Walsh
Wurfel/Murray
Redford
Dick

Thanks
Jarrod

From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:39 PM
To: Thomet, Ruth (GOV); Clayton, Stacie (GOV); Kennedy, Jordan (GOV)
Subject: FW: Flint next steps meeting

Can you tell me if Wednesday at 11:30 would work for your person listed below? thanks

-----Original Message-----
From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: Flint next steps meeting

Wendy,

Can we arrange a meeting in next couple days to discuss next steps with Flint and the after action report for water testing.

Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
Nick Lyon
Harvey
Walsh
Wurfel/Murray
Redford
Dick

Thanks
Jarrod

From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:47 PM
To: Clayton, Stacie (GOV)
Subject: RE: Flint next steps meeting

Phone works. I'll send something out as soon as I hear back from Dan and Nick's offices Thanks

-----Original Message-----
From: Clayton, Stacie (GOV)
Sent: Monday, October 12, 2015 2:44 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: RE: Flint next steps meeting

Hi Wendy,

Harvey can participate via phone at 11:30am on Wednesday. He has a speaking engage in Detroit at 10am that morning.

Stacie

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:39 PM
To: Thomet, Ruth (GOV) <ThometR@michigan.gov>; Clayton, Stacie (GOV) <claytons3@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>
Subject: FW: Flint next steps meeting

Can you tell me if Wednesday at 11:30 would work for your person listed below? thanks

-----Original Message-----
From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: Flint next steps meeting

Wendy,

Can we arrange a meeting in next couple days to discuss next steps with Flint and the after action report for water testing.

Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
Nick Lyon
Harvey
Walsh

Wurfel/Murray
Redford
Dick

Thanks
Jarrod

From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:48 PM
To: Thelen, Mary Beth (DEQ)
Subject: RE: Flint next steps meeting

Nope. It's a big meeting. Here's what Jarrod said:

Can we arrange a meeting in next couple days to discuss next steps with Flint and the after action report for water testing.

Need to have Dennis, Beth, and me (or two of the three).

Rich
Dan Wyant
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-----Original Message-----
From: Thelen, Mary Beth (DEQ)
Sent: Monday, October 12, 2015 2:43 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Grijalva, Nancy (DHHS) <GrijalvaN@michigan.gov>
Subject: RE: Flint next steps meeting

Yes, I can make anytime really work on Wednesday, except 2:00-3:00 and even then I can make that work too.
Who is this with? Just Dennis, Dan, and Nick?

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant Department of Environmental Quality Constitution Hall, 6th Floor South
Phone: 517-284-6712 or 284-6700 (new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:37 PM
To: Grijalva, Nancy (DHHS); Thelen, Mary Beth (DEQ)
Subject: FW: Flint next steps meeting
Importance: High

Actually - Any chance 11:30 a.m. on Wednesday would work? I was trying to find times that worked for all of my people and that might be one if it works for your guys.

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:20 PM
To: Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov>; Grijalva, Nancy (DHHS) <GrijalvaN@michigan.gov>
Subject: FW: Flint next steps meeting
Importance: High

Can you tell me what Dan and Nick's availability tomorrow and Wednesday are? Thank you.

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From: Agen, Jarrod (GOV)
Sent: Monday, October 12, 2015 2:05 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: Flint next steps meeting

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Dick

Thanks
Jarrod

From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:50 PM
To: Thelen, Mary Beth (DEQ)
Subject: RE: Flint next steps meeting

I'll send something out as soon as I hear from Nancy

-----Original Message-----
From: Thelen, Mary Beth (DEQ)
Sent: Monday, October 12, 2015 2:50 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: RE: Flint next steps meeting

Okay, thanks for the heads up!

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant Department of Environmental Quality Constitution Hall, 6th Floor South
Phone: 517-284-6712 or 284-6700 (new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

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Sent: Monday, October 12, 2015 2:48 PM
To: Thelen, Mary Beth (DEQ)
Subject: RE: Flint next steps meeting

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Sent: Monday, October 12, 2015 2:43 PM
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Subject: RE: Flint next steps meeting

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Thelenm2@michigan.gov

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Dick

Thanks
Jarrod

From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:58 PM
To: Thelen, Mary Beth (DEQ)
Subject: RE: Flint next steps meeting

No problem. I know exactly how that is when you're trying to do 20 things at once.

-----Original Message-----
From: Thelen, Mary Beth (DEQ)
Sent: Monday, October 12, 2015 2:56 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: RE: Flint next steps meeting

Oh, I didn't scroll down far enough! ha! sorry!!! :) You're the best!!

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant Department of Environmental Quality Constitution Hall, 6th Floor South
Phone: 517-284-6712 or 284-6700 (new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:55 PM
To: Thelen, Mary Beth (DEQ)
Subject: RE: Flint next steps meeting

:) It was in the original email I sent you guys :)

-----Original Message-----
From: Thelen, Mary Beth (DEQ)
Sent: Monday, October 12, 2015 2:54 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: RE: Flint next steps meeting

You might want to let Nancy know who all is involved in this one from Governor's office.

-----Original Message-----
From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 2:48 PM
To: Thelen, Mary Beth (DEQ)
Subject: RE: Flint next steps meeting

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To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Grijalva, Nancy (DHHS) <GrijalvaN@michigan.gov>
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Management Assistant to Director Dan Wyant Department of Environmental Quality Constitution Hall, 6th Floor South
Phone: 517-284-6712 or 284-6700 (new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

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To: Grijalva, Nancy (DHHS); Thelen, Mary Beth (DEQ)
Subject: FW: Flint next steps meeting
Importance: High

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Subject: FW: Flint next steps meeting
Importance: High

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Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: Flint next steps meeting

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Dick

Thanks
Jarrod

Subject:	DM/EC/JA/RB/JW/JR/HH/SW/DM/DW/NL/GL/DP or DA or ML re Flint next steps
Location:	Governor's Conference Room - 2nd Floor Romney (call in number below)
Start:	Wed 10/14/2015 11:30 AM
End:	Wed 10/14/2015 12:00 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Agen, Jarrod (GOV)
Required Attendees:	Muchmore, Dennis (GOV); Clement, Elizabeth (GOV) (clemente@michigan.gov); Baird, Richard (GOV); Walsh, John (GOV) (WalshJ@michigan.gov); Redford, James (GOV); Harvey Hollins (hollinsh@michigan.gov); Wurfel, Sara (GOV) (Wurfels@michigan.gov); Murray, David (GOV); Wyant, Dan (DEQ); Lyon, Nick (DCH); Lasher, Geralyn (DHHS); Posthumus, Dick (GOV); Ackerman, Darin (GOV) (ackermand3@michigan.gov); Lange, Michelle (GOV); Rospond, Laurie (GOV) (rospondl@michigan.gov); Thomet, Ruth (GOV); Thelen, Mary Beth (DEQ); Grijalva, Nancy (DHHS); Hall, Jean (GOV); VanSickle, Michele (GOV) (vansicklem2@michigan.gov); Clayton, Stacie (GOV)

[redacted]

[redacted](Jarrod to host)

From: Wisniewski, Wendy (GOV)
Sent: Monday, October 12, 2015 4:25 PM
To: Grijalva, Nancy (DHHS)
Subject: RE: Flint next steps meeting

I talked to Geralyn and she said they would have the lunch break then and call in for this call. Thanks

-----Original Message-----
From: Grijalva, Nancy (DHHS)
Sent: Monday, October 12, 2015 4:24 PM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: Re: Flint next steps meeting

Wendy, nick is in Detroit all day Wednesday for a leadership lab... He could probably step out for a call....

Sent from my iPad

> On Oct 12, 2015, at 2:37 PM, Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov> wrote:
>
> Actually - Any chance 11:30 a.m. on Wednesday would work? I was trying to find times that worked for all of my people and that might be one if it works for your guys.
>
> -----Original Message-----
> From: Wisniewski, Wendy (GOV)
> Sent: Monday, October 12, 2015 2:20 PM
> To: Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov>; Grijalva, Nancy (DHHS) <GrijalvaN@michigan.gov>
> Subject: FW: Flint next steps meeting
> Importance: High
>
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> Sent: Monday, October 12, 2015 2:05 PM
> To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
> Cc: Clement, Elizabeth (GOV) <clemente@michigan.gov>
> Subject: Flint next steps meeting
>
>
> Wendy,
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> Can we arrange a meeting in next couple days to discuss next steps with Flint and the after action report for water testing.
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> Need to have Dennis, Beth, and me (or two of the three).
>
> Rich
> Dan Wyant
> Nick Lyon

> Harvey
> Walsh
> Wurfel/Murray
> Redford
> Dick
>
> Thanks
> Jarrod
>
>
>
>
>

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, November 04, 2015 8:11 AM
To: Hall, Jean (GOV)
Subject: [redacted]

Beth hasn't been involved in Flint water at all. Just Dennis and Jarrod

---

From: Hall, Jean (GOV)
Sent: Wednesday, November 04, 2015 8:04 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>
Subject: [redacted]

Good Morning!

Can you please make sure Jarrod and Beth look at this? See Mike's comments below.

Thanks!

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
Hallj16@michigan.gov
517-241-5493

From: Brownfield, Michael (GOV)
Sent: Wednesday, November 04, 2015 7:58 AM
To: Hall, Jean (GOV) <hallj16@michigan.gov>
Subject: [redacted]

Looks fine to me, but given the subject matter I think you probably want to get a sign off from someone who has been plugged into this issue (Beth or Jarrod, I guess.)

[redacted]

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, November 04, 2015 10:13 AM
To: Agen, Jarrod (GOV)
Subject: FW: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15
Attachments: 11.2.15 DEQ USEPA Flint Water Task Force.doc; Information Transmittal USEPA Task Force 11-3-15.pdf

Importance: High

Dennis signed off on this but I didn't know if you wanted to sign off too.

From: Hall, Jean (GOV)
Sent: Tuesday, November 03, 2015 4:44 PM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Mcbride, Bill (GOV) <mcbrideb@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Walsh, John (GOV) <WalshJ@michigan.gov>
Cc: Scott, Allison (GOV) <scotta12@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Khouri, Claire (GOV) <KhouriC@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Brown, Eric (GOV) <BrownE15@michigan.gov>; Blackwell, Rob (GOV) <Blackwellr2@michigan.gov>; Arwood, Cheri (GOV) <ArwoodC@michigan.gov>; Hansen, Rachel (GOV) <hansenr3@michigan.gov>; Taylor, Nicole (GOV) <TaylorN7@michigan.gov>; Brownfield, Michael (GOV) <BrownfieldM2@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV) <ThometR@michigan.gov>; Stoken, Laura (GOV) <StokenL@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Lukasik, Liz (GOV) <LukasikL@michigan.gov>; Weber, Travis (GOV) <WeberT7@michigan.gov>; Ayers, Angela (GOV) <AyersA@michigan.gov>
Subject: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15
Importance: High

Hello All,

DEQ is seeking the Governor's signature on the attached letter to Dr. Susan Hedman, Regional Administrator, USEPA, Region 5. The letter designates Jim Sygo, Chief Deputy Director, MDEQ as the DEQ point person for the USEPA – Region 5 Flint Safe Drinking Water Task Force.

For your reference, DEQ provided the attached Transmittal Form , along with a copy of the October 21 Flint Drinking Water Action Plan Update which includes a summary about the conference call with USEPA and MDEQ where the USEPA requested this letter. The attachment also includes the USEPA's October 16 press release about the establishment of the Task Force (see yellow highlighted text in both attachments)

Your approval, input, and/or changes are needed by EOB by **Tues. 11.10.15.**

If you have any questions or need additional background information, please let me know.

Thank you.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
Hallj16@michigan.gov
517-241-5493

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

November 2, 2015

Dr. Susan Hedman, Regional Administrator
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard (R-19J)
Chicago, Illinois 60604-3507

Dear Dr. Hedman:

This letter is in follow up to a conference call on October 20, 2015 between the United States Environmental Protection Agency (USEPA), Region 5, and the Michigan Department of Environmental Quality (MDEQ). The purpose of that call was to discuss Region 5's Flint Safe Drinking Water Task Force (Task Force) that was established to provide the USEPA's technical expertise to the MDEQ and the city of Flint, Michigan.

During that call, it was requested that the State of Michigan provide the USEPA with an MDEQ point of contact for the Task Force. This letter is to inform you of the designation of Mr. Jim Sygo, Chief Deputy Director, MDEQ, as that point of contact. Mr. Sygo's contact information is below:

Michigan Department of Environmental Quality
P.O. Box 30473
Lansing, MI 48909-7973
sygoj@michigan.gov
517-284-6709

Thank you for your assistance in this matter as we work together to ensure a safe and reliable drinking water supply for the city of Flint.

Sincerely,

Rick Snyder
Governor

cc: Mr. Robert Kaplan, Deputy Regional Administrator, USEPA, Region 5
Mr. Dan Wyant, Director, MDEQ
Mr. Jim Sygo, Chief Deputy Director, MDEQ

DEQ

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
EXECUTIVE DIVISION

INFORMATION TRANSMITTAL AND REQUEST FOR GOVERNOR'S ACTION

TO: Governor Rick Snyder via Jean Hall

FROM: Dan Wyant, Director

DATE: November 3, 2015

SUBJECT: Task Force Point of Contact Designation Letter to Susan Hedman, Regional Administrator, United States Environmental Protection Agency, Region 5

Action Taken by DEQ (action requested of Governor's Office in parentheses)
☒ Letter (for Governor's signature – draft attached)
☐ Printed Material (for Governor's signature – attached)
☐ Proclamation Request (for Governor's signature – draft attached)
☐ Telephone Call (for Governor's information – explanation given under "Situation Description")
☐ Other:

Governor's Action Requested By: November 16, 2015

Situation Description: During an October 20 conference call between the USEPA and DEQ regarding USEPA's establishment of the Flint Safe Drinking Water Task Force, the USEPA requested that Governor Snyder designate a DEQ point of contact for the Task Force. Attached are a draft letter to be signed by Governor Snyder, the October 21 Flint Drinking Water Action Plan Update regarding the conference call, and USEPA's October 16 press release regarding the establishment of the Task Force. Please contact Karen Shaler, Executive Division, DEQ, at shalerk@michigan.gov when the letter is ready to be picked up. Thank you.

Contact Person's Name: Jim Sygo, Chief Deputy Director
DEQ Division/Office: Executive Division
Telephone: 517-284-6709
E-Mail Address: sygoj@michigan.gov

Governor's Response (for Governor's Office use only):

Flint Drinking Water Action Plan Update

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

- Action Step #1 has been incorporated into the After Action Plan (Action Step #4).

- It was determined that the information in Action Step #10 would be communicated better in person and has, therefore, been incorporated into Action Step #13.

- DEQ staff has tentatively identify the week of October 26 to meet with representatives from the remaining 10 locations in the Flint Community Schools who were not present at the October 16 meeting at the Superintendent's office.

- DEQ staff has contacted DHHS to request a meeting regarding lead education materials for schools.

- The first plumbing assessment has been scheduled for Friday, October 23. The subsequent sampling of the first facility has been scheduled for Saturday, October 24. This decision was made jointly among DEQ, DLARA, and DHHS in an effort to ensure that sampling staff could properly evaluate the sampling protocol without the added pressure of completing the sampling process before students arrived on-site.

- The DEQ Laboratory has created a fillable PDF form for use in the school sampling protocol. This form was created to streamline the information gathering process. The form was submitted for review by staff in DEQ, DHHS, and DLARA, and comments were subsequently incorporated. The form is now complete and ready for use.

- The corrosion control treatment plan (CCTP) and permit application were received late last Friday, October 16, and were reviewed. Our review comments were provided to Flint's consultant [Lockwood, Andrews & Newnam, Inc. (LAN)]. The CCTP was forwarded to EPA on October 16, and their comments were received on October 19. A conference call was held on October 20 between our staff and Darren Lytle and Michael Schock of EPA to discuss the main comments (EPA's and DEQ's) to confirm that both agencies concur with the design and proposed corrosion control dosages. We are currently preparing a revised set of comments, based on our discussion with EPA. The revised comments will be sent to EPA to confirm concurrence before sending to LAN.

- An Act 399 permit will be issued to the city of Flint to install corrosion control treatment following receipt of revised plans, specs, and – as needed – a permit application that addresses the revised review comments.

- DEQ staff has contacted DHHS to schedule a meeting to discuss the development of childcare facility guidance. This guidance will be similar in nature to what is being done in schools but will be tailored to address the specific

concerns with younger children and the smaller plumbing infrastructure of typical childcare facilities.

Additional Actions:

- Standing meetings with the city of Flint have been scheduled for Fridays at 10:00 a.m. These meetings have been scheduled through December 18. In addition, a tour of the Flint Water Treatment Plant has been scheduled for October 23. The DEQ be taking video footage of the tour, showing the coordinated efforts being taken by the city of Flint, DEQ, DHHS, and DLARA. Genesee County Health Department (GCHD) has been invited to the Friday meetings as well as the tour, and GCHD is in the process of determining if they can participate.

- A meeting was held between staff from the DEQ, DLARA, and DHHS to discuss details regarding the flow and coordination of efforts for the school sampling protocol. It was mutually agreed that it was best to only do one school at first so that we can ensure that the process runs smoothly from partner to partner. The first plumbing evaluation will be done at Freeman Elementary School on Friday, October 23. Steve Busch of the DEQ will accompany staff from DLARA to answer questions they might have during their plumbing evaluations. The subsequent water sampling effort will take place the next day, on Saturday, October 24. It was agreed that taking the samples on Saturday would allow staff to be able to evaluate the sampling process without the added pressure of ensuring that the sampling was complete before students arrived at the building.

- DEQ Director Dan Wyant, Jim Sygo, George Krisztian, and Karen Tommasulo held a conference call with Dr. Susan Hedman, EPA's Regional Administrator, and other representatives from EPA to discuss the EPA's formation of the Flint Safe Drinking Water Task Force. The purpose of the Task Force is to provide one-stop shopping for technical assistance for the optimization of corrosion controls for the switch from Detroit Water and Sewerage Department to the Karegnondi Water Authority. EPA requested a point of contact for the DEQ, and Director Wyant suggested Chief Deputy Director Jim Sygo. EPA agreed that this was an appropriate choice and requested a formal letter indicating Chief Deputy Director Sygo as the point of contact.

- DHHS has indicated that the total water filter/pitcher distribution for the period of October 6 through October 20 was 9,373 units.

Prepared by: George Krisztian, Flint Action Plan Coordinator
Laboratory Director
Department of Environmental Quality
Telephone: 517-284-6719
Cell: [redacted]
October 21, 2015

Shaler, Karen (DEQ)

From: Thelen, Mary Beth (DEQ)
Sent: Friday, October 16, 2015 5:40 PM
To: Krisztian, George (DEQ); Sygo, Jim (DEQ); Shekter Smith, Liane (DEQ)
Cc: Shaler, Karen (DEQ); Devereaux, Tracy Jo (DEQ)
Subject: FW: EPA Establishes Safe Drinking Water Task Force to Provide Expertise to MDEQ and City of Flint

FYI.

From: Josh Singer [mailto:noreply-subscriptions@epa.gov]
Sent: Friday, October 16, 2015 12:18 PM
To: Olszewski, Rosemarie (DEQ)
Subject: EPA Establishes Safe Drinking Water Task Force to Provide Expertise to MDEQ and City of Flint

Contact Information: Anne Rowan, rowan.anne@epa.gov 312-353-9391

For Immediate Release No. 15-OPA160

EPA Establishes Safe Drinking Water Task Force to Provide Technical Expertise to MDEQ and City of Flint

Task Force providing technical assistance on reconnecting the Flint drinking water system to a new source

CHICAGO (October 16, 2015) - Today U.S. Environmental Protection Agency Region 5 Administrator Susan Hedman established the Flint Safe Drinking Water Task Force to provide the Agency's technical expertise through regular conversations with designated officials from Michigan Department of Environmental Quality (MDEQ) and the City of Flint. The Task Force will be led by the Region 5 Deputy Regional Administrator and will assist with developing and implementing a plan to secure water quality, including measures to optimize corrosion control. Task Force members will be available to consult with MDEQ and the City of Flint on site in Flint. The Task Force will also coordinate as necessary with federal, state and local public health agencies to assist with protection of public health.

Specifically, the Task Force will provide technical assistance to the MDEQ and the City of Flint to reconnect the Flint system to a new source of drinking water (to be supplied by the Great Lakes Water Authority) and to optimize corrosion control for the Flint system, starting in October 2015. The Task Force will also provide technical assistance to the MDEQ and the City of Flint, as needed, in advance of and following connection of the Flint water system to a new source of drinking water (to be supplied by the Karegnondi Water Authority) and to optimize corrosion control for the Flint system, starting in 2016.

"EPA is committed to working with our state and local partners to ensure a safe and reliable drinking water supply for the residents of Flint, Michigan," Hedman said. "The formation of this task force continues our commitment to providing technical assistance to the City of Flint and the State of Michigan."

The Task Force will be comprised of scientists and technical experts from the EPA Region 5 office in Chicago, the National Risk Management Research Lab in Cincinnati and the EPA drinking water program. In addition, EPA will ask the Governor to designate a MDEQ official and the Mayor of Flint to designate a city official, to serve as points of contact for the Task Force.

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, November 04, 2015 10:14 AM
To: Hall, Jean (GOV)
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Already in CTS too. ☺

From: Hall, Jean (GOV)
Sent: Wednesday, November 04, 2015 10:08 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Thank you.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
HallJ16@michigan.gov
517-241-5493

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, November 04, 2015 10:07 AM
To: Hall, Jean (GOV) <hallj16@michigan.gov>
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Dennis is ok with this

From: Hall, Jean (GOV)
Sent: Tuesday, November 03, 2015 4:44 PM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Mcbride, Bill (GOV) <mcbrideb@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Walsh, John (GOV) <WalshJ@michigan.gov>
Cc: Scott, Allison (GOV) <scotta12@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Khouri, Claire (GOV) <KhouriC@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Brown, Eric (GOV) <BrownE15@michigan.gov>; Blackwell, Rob (GOV) <Blackwellr2@michigan.gov>; Arwood, Cheri (GOV) <ArwoodC@michigan.gov>; Hansen, Rachel (GOV) <hansenr3@michigan.gov>; Taylor, Nicole (GOV) <TaylorN7@michigan.gov>; Brownfield, Michael (GOV) <BrownfieldM2@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV) <ThometR@michigan.gov>; Stoken, Laura (GOV) <StokenL@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Lukasik, Liz (GOV) <LukasikL@michigan.gov>; Weber, Travis (GOV) <WeberT7@michigan.gov>; Ayers, Angela (GOV) <AyersA@michigan.gov>
Subject: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15
Importance: High

Hello All,

DEQ is seeking the Governor's signature on the attached letter to Dr. Susan Hedman, Regional Administrator, USEPA, Region 5. The letter designates Jim Sygo, Chief Deputy Director, MDEQ as the DEQ point person for the USEPA – Region 5 Flint Safe Drinking Water Task Force.

For your reference, DEQ provided the attached Transmittal Form , along with a copy of the October 21 Flint Drinking Water Action Plan Update which includes a summary about the conference call with USEPA and MDEQ where the USEPA requested this letter. The attachment also includes the USEPA's October 16 press release about the establishment of the Task Force (see yellow highlighted text in both attachments)

Your approval, input, and/or changes are needed by EOB by **Tues. 11.10.15.**

If you have any questions or need additional background information, please let me know.

Thank you.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
HallJ15@michigan.gov
517-241-5493

From: Wisniewski, Wendy (GOV)
Sent: Thursday, November 05, 2015 8:52 AM
To: 'Hall, Jean (GOV)'
Subject: FW: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

My job here is done. ☺

From: Agen, Jarrod (GOV)
Sent: Thursday, November 05, 2015 8:35 AM
To: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>
Subject: RE: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15

Approved

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, November 04, 2015 10:13 AM
To: Agen, Jarrod (GOV) <AgenJ@michigan.gov>
Subject: FW: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15
Importance: High

Dennis signed off on this but I didn't know if you wanted to sign off too.

From: Hall, Jean (GOV)
Sent: Tuesday, November 03, 2015 4:44 PM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Mcbride, Bill (GOV) <mcbrideb@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Walsh, John (GOV) <WalshJ@michigan.gov>
Cc: Scott, Allison (GOV) <scotta12@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Khouri, Claire (GOV) <KhouriC@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Brown, Eric (GOV) <BrownE15@michigan.gov>; Blackwell, Rob (GOV) <Blackwellr2@michigan.gov>; Arwood, Cheri (GOV) <ArwoodC@michigan.gov>; Hansen, Rachel (GOV) <hansenr3@michigan.gov>; Taylor, Nicole (GOV) <TaylorN7@michigan.gov>; Brownfield, Michael (GOV) <BrownfieldM2@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV) <ThometR@michigan.gov>; Stoken, Laura (GOV) <StokenL@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Lukasik, Liz (GOV) <LukasikL@michigan.gov>; Weber, Travis (GOV) <WeberT7@michigan.gov>; Ayers, Angela (GOV) <AyersA@michigan.gov>
Subject: DEQ Seeks Gov. Signature- Letter to EPA - Flint Safe Drinking Water POC - NEEDED BY Tues. 11.10.15
Importance: High

Hello All,

DEQ is seeking the Governor's signature on the attached letter to Dr. Susan Hedman, Regional Administrator, USEPA, Region 5. The letter designates Jim Sygo, Chief Deputy Director, MDEQ as the DEQ point person for the USEPA – Region 5 Flint Safe Drinking Water Task Force.

For your reference, DEQ provided the attached Transmittal Form , along with a copy of the October 21 Flint Drinking Water Action Plan Update which includes a summary about the conference call with

USEPA and MDEQ where the USEPA requested this letter. The attachment also includes the USEPA's October 16 press release about the establishment of the Task Force (see yellow highlighted text in both attachments)

Your approval, input, and/or changes are needed by EOB by **Tues. 11.10.15.**

If you have any questions or need additional background information, please let me know.

Thank you.

Jean Hall
Executive Assistant
Office of Strategic Policy
Executive Office of Governor Rick Snyder
Hall16@michigan.gov
517-241-5493

Subject:	Agen/Quebbeman/Weber re Flint task force
Location:	JA
Start:	Fri 11/13/2015 8:30 AM
End:	Fri 11/13/2015 9:00 AM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Agen, Jarrod (GOV)
Required Attendees:	Quebbeman, Marsha (GOV); Weber, Travis (GOV); Thomet, Ruth (GOV)

From: Wisniewski, Wendy (GOV)
Sent: Wednesday, December 02, 2015 2:10 PM
To: Clayton, Stacie (GOV)
Subject: Flint meetings tomorrow

Stacie – Jarrod is travelling tomorrow with the Governor and actually on a plane in the morning and unable to participate in the Flint water and Flint Public Safety meetings.

Can you add Dennis to the 10:00 a.m. meeting and Dennis & Beth to the 11:30 meeting?

Wendy Wisniewski
Executive Assistant to Dennis Muchmore
Jarrod Agen and Beth Clement
Executive Office of Governor Rick Snyder
George W. Romney Building, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5601
WisniewskiW@michigan.gov

Subject:	Internal Flint Water Meeting
Location:	Governor's Conference Room, 2nd Romney
Start:	Wed 1/28/2015 10:00 AM
End:	Wed 1/28/2015 11:00 AM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Walsh, John (GOV); Wisniewski, Wendy (GOV); Hall, Jean (GOV); Pleyte, Beth (Treasury); Saxton, Thomas (Treasury); Clayton, Stacie (GOV); Hollins, Harvey (GOV); Murray, David (GOV)

Attending:
Dick Posthumus
Dennis Muchmore
John Walsh
Beth Clement
Tom Saxton
Harvey Hollins
Dave Murray

Subject:	Hold - Internal Flint Water Meeting
Location:	Executive Conference Room, 2nd Romney
Start:	Wed 1/28/2015 10:00 AM
End:	Wed 1/28/2015 11:00 AM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Walsh, John (GOV); Wisniewski, Wendy (GOV) (wisniewskiw@michigan.gov); Hall, Jean (GOV); Pleyte, Beth (Treasury)

Subject:	Mtg Flint Water Issues/other Concerns
Location:	Governor's Conference Room
Start:	Wed 1/28/2015 2:00 PM
End:	Wed 1/28/2015 3:00 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Saxton, Thomas (Treasury); Pleyte, Beth (Treasury); Muchmore, Dennis (GOV); Wisniewski, Wendy (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Hall, Jean (GOV); Harvey Hollins (hollinsh@michigan.gov); Clayton, Stacie (GOV)

Attending:
Jerry Ambrose
Mayor Walling
Tom Saxton
Dick Posthumus
Dennis Muchmore
Beth Clement
Sen Ananich
Andy Leavitt
John Walsh
Harvey Hollins

Subject:	Internal Flint Water Meeting
Location:	Executive Conference Room, 2nd Romney
Start:	Wed 1/28/2015 10:00 AM
End:	Wed 1/28/2015 11:00 AM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Walsh, John (GOV); Wisniewski, Wendy (GOV); Hall, Jean (GOV); Pleyte, Beth (Treasury); Saxton, Thomas (Treasury); Clayton, Stacie (GOV); Harvey Hollins (hollinsh@michigan.gov)

From: Adler, Ari (GOV)
Sent: Friday, January 23, 2015 4:39 PM
To: Agen, Jarrod (GOV); Wurfel, Sara (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV)
Subject: "Anonymous" threatening to do operation in Flint

We need to make sure things are buttoned up in Flint as it relates to the water treatment operations, apparently.

Via Twitter just now:

AnonCorpWatch 4:28pm via Twitter Web Client
#anonymous is not dead!

#OpFlint

@onetoughnerd #ExpectUs

About

Corporations have been getting way with far too much for far too long. It is time that we, the citizens of the world, educate ourselves and take action against these Corporations. We all understand that for past few generations, we have allowed laws to be written, tax incentives to be created and have allowed loop holes to be made in environmental policy. We have allowed lobbiests in Washington , and other governments around the world, to make this capitalist institution called the "Corporation" get away with practices that are unacceptable. We have not understood the consequences until it is too late. We have felt too overwhelmed by the do's and don'ts that we have felt we had to respect, that we have allowed these powerhouses to benefit from massive profits, while we the majority are struggling.

It is time that we the people take matters into our own hands. It is time to take responsibility for our ignorance. We must forgive ourselves for allowing this economic "Grand Canyon" between the mega wealthy and the other 90% of us. We hear our leaders ask us to make further sacrifices by accepting higher interest rates in order to pay for the mess they got us into. They have repeatedly tried to take away our voice. It is time forgive us our sins and move forward. We will no longer allow these Corporations and Government puppets to silence us.

Like others before us, we are taking matters into our own hands. We are going to start keeping tabs on these Corporations. We are going to collect information and share it. We are going to spread the truth as far as we can. Most importantly we are going to take action!

Be a voice in a voiceless world. Share your knowledge of what you know with us so that we can unite and learn from each other, and become a source of power and change.

Hey Corporations! We are watching you!

We are Anonymous

We are Legion

We never Forgive

We never Forget

Expect Us!

Subject: Mtg Flint Water Issues/other Concerns
Location: Governor's Conference Room

Start: Wed 1/28/2015 2:00 PM
End: Wed 1/28/2015 3:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Posthumus, Dick (GOV)
Required Attendees: Saxton, Thomas (Treasury); Pleyte, Beth (Treasury); Muchmore, Dennis (GOV); Wisniewski, Wendy (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Hall, Jean (GOV); Harvey Hollins (hollinsh@michigan.gov); Clayton, Stacie (GOV)

Attending:
Jerry Ambrose
Mayor Walling
Tom Saxton
Dick Posthumus
Dennis Muchmore
Beth Clement
Sen Ananich
Andy Leavitt
John Walsh
Harvey Hollins

John will be late to meeting

Subject:	Mtg Flint Water Issues/other Concerns
Location:	Governor's Conference Room
Start:	Wed 1/28/2015 2:00 PM
End:	Wed 1/28/2015 3:00 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Saxton, Thomas (Treasury); Pleyte, Beth (Treasury); Muchmore, Dennis (GOV); Wisniewski, Wendy (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Hall, Jean (GOV); Hollins, Harvey (GOV); Clayton, Stacie (GOV)

Attending:
Jerry Ambrose
Mayor Walling
Howard Croft, Director of the Department of Public Works
Tom Saxton
Dick Posthumus
Dennis Muchmore
Beth Clement
Sen Ananich
Andy Leavitt
John Walsh
Harvey Hollins

John will be late to meeting

Subject:	Internal Flint Water Meeting
Location:	Executive Conference Room, 2nd Romney
Start:	Wed 1/28/2015 10:00 AM
End:	Wed 1/28/2015 11:00 AM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Walsh, John (GOV); Wisniewski, Wendy (GOV); Hall, Jean (GOV); Pleyte, Beth (Treasury); Saxton, Thomas (Treasury); Clayton, Stacie (GOV); Hollins, Harvey (GOV)

Attending:
Dick Posthumus
Dennis Muchmore
John Walsh
Beth Clement
Tom Saxton
Harvey Hollins

Subject: Internal Flint Water Meeting
Location: Executive Conference Room, 2nd Romney

Start: Wed 1/28/2015 10:00 AM
End: Wed 1/28/2015 11:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Posthumus, Dick (GOV)
Required Attendees: Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Walsh, John (GOV); Wisniewski, Wendy (GOV); Hall, Jean (GOV); Pleyte, Beth (Treasury); Saxton, Thomas (Treasury); Clayton, Stacie (GOV); Hollins, Harvey (GOV); Murray, David (GOV)

Attending:
Dick Posthumus
Dennis Muchmore
John Walsh
Beth Clement
Tom Saxton
Harvey Hollins
Dave Murray

Subject: Mtg Flint Water Issues/other Concerns
Location: Governor's Conference Room

Start: Wed 1/28/2015 2:00 PM
End: Wed 1/28/2015 3:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Posthumus, Dick (GOV)
Required Attendees: Saxton, Thomas (Treasury); Pleyte, Beth (Treasury); Muchmore, Dennis (GOV); Wisniewski, Wendy (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Hall, Jean (GOV); Hollins, Harvey (GOV); Clayton, Stacie (GOV); Murray, David (GOV)

Attending:
Jerry Ambrose
Mayor Walling
Howard Croft, Director of the Department of Public Works
Tom Saxton
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Dennis Muchmore
Beth Clement
Sen Ananich
Andy Leavitt
John Walsh
Harvey Hollins
Dave Murray

John will be late to meeting

Subject:	Mtg Flint Water Issues/other Concerns
Location:	Governor's Conference Room
Start:	Wed 1/28/2015 2:00 PM
End:	Wed 1/28/2015 3:00 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Saxton, Thomas (Treasury); Pleyte, Beth (Treasury); Muchmore, Dennis (GOV); Wisniewski, Wendy (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Hall, Jean (GOV)

Attending:
Jerry Ambrose
Tom Saxton
Dick Posthumus
Dennis Muchmore
Beth Clement
Sen Ananich
Andy Leavitt
John Walsh

Subject:	Mtg Flint Water Issues/other Concerns
Location:	Governor's Conference Room
Start:	Wed 1/28/2015 2:00 PM
End:	Wed 1/28/2015 3:00 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Saxton, Thomas (Treasury); Pleyte, Beth (Treasury); Muchmore, Dennis (GOV); Wisniewski, Wendy (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Hall, Jean (GOV)

Attending:
Jerry Ambrose
Tom Saxton
Dick Posthumus
Dennis Muchmore
Beth Clement
Sen Ananich
Andy Leavitt

Subject: Canceled: Mtg Flint Water Issues/other Concerns
Location: Governor's Conference Room

Start: Wed 1/28/2015 2:00 PM
End: Wed 1/28/2015 3:00 PM
Show Time As: Free

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Posthumus, Dick (GOV)
Required Attendees: Saxton, Thomas (Treasury); Pleyte, Beth (Treasury); Muchmore, Dennis (GOV); Wisniewski, Wendy (GOV); Clement, Elizabeth (GOV)

Importance: High

Attending:
Jerry Ambrose
Tom Saxton
Dick Posthumus
Dennis Muchmore
Beth Clement
Sen Ananich
Andy Leavitt

Subject: Internal Flint Water Meeting
Location: Governor's Conference Room, 2nd Romney

Start: Wed 1/28/2015 10:00 AM
End: Wed 1/28/2015 11:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Posthumus, Dick (GOV)
Required Attendees: Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Walsh, John (GOV); Wisniewski, Wendy (GOV); Hall, Jean (GOV); Pleyte, Beth (Treasury); Saxton, Thomas (Treasury); Clayton, Stacie (GOV); Hollins, Harvey (GOV); Murray, David (GOV)

Attending:
Dick Posthumus
Dennis Muchmore
John Walsh
Beth Clement
Tom Saxton
Harvey Hollins
Dave Murray

Subject: Internal Flint Water Meeting
Location: Governor's Conference Room, 2nd Romney

Start: Wed 1/28/2015 10:00 AM
End: Wed 1/28/2015 11:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Posthumus, Dick (GOV)
Required Attendees: Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Walsh, John (GOV); Wisniewski, Wendy (GOV); Hall, Jean (GOV); Pleyte, Beth (Treasury); Saxton, Thomas (Treasury); Clayton, Stacie (GOV); Hollins, Harvey (GOV); Murray, David (GOV)

Attending:
Dick Posthumus
Dennis Muchmore
John Walsh
Beth Clement
Tom Saxton
Harvey Hollins
Dave Murray

From: Saxton, Thomas (Treasury)
Sent: Friday, January 30, 2015 11:02 AM
To: Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Murray, David (GOV); Wurfel, Sara (GOV); Walsh, John (GOV); Posthumus, Dick (GOV); Lyon, Nick (DCH)
Subject: FW: Independent Water Analysis
Attachments: Independent Water Analysis.PDF

Fyi... in case you missed this article re Flint

Waste Water Flow Device
Hand Held Industrial Meas.urement With Clamp-On Sensors & Readout.

ABC12 Investigates: What's in your water?

Posted: Jan 29, 2015 3:38 PM EST
Updated: Jan 29, 2015 11:54 PM EST

By Larry Elliott CONNECT

FLINT (WJRT) - (01/29/15) - The results are in and we now have a completely independent look at what's in Flint's water supply.

For months, since Flint switched from a Detroit water supply to the Flint River as it's water source, Flint water customers have complained of smelly, cloudy, bad tasting water and blame it for a variety of health problems.

Complaints exploded earlier this month when Flint notified its water customers that a group of chemicals known as TTHM were at much higher average levels than allowed by law.

With so many questions and distrust of the answers, ABC12's Larry Elliott investigates - What's in your Water?

It seems no matter who you ask in the Flint area, there's an opinion about the city's water. Most of the issues center on the quality of the water and whether it's safe to drink.

"Right now it smells," said Flint resident Lee Miller. "We're getting water out of our own back yard now and it's costing me double what it was coming from Detroit."

"It has a funny taste to it," said Flint resident Milton Alexander.

"It could be dangerous to us, actually I don't know how dangerous it is," said Flint resident Shanika Sanders.

"I'm no cheerleader for the water department here, I think we've got a lot of issues to work on," Ken VanWagoner, of Good Beans Cafe - Flint.

Most of the issues center on the quality of the water and whether it's safe to drink, but concern over its safety reached a new high earlier this month when the city was required by the state Department of Environmental Quality to notify residents that the water had exceeded the allowable limit of a group of chemicals known as TTHM.

TTHM is in most municipal water systems and is thought by some to be a possible carcinogen in long term exposure.

It's a byproduct of chlorination, which is commonly used to help purify water. Last August, as Flint's water treatment plant worked to purify the water it was drawing from the Flint River, levels of TTHM grew to well over the EPA allowed maximum.

August test results provided by the DEQ to ABC12 show all of the eight testing sites around Flint had TTHM levels well above the legal limit.

The lowest level among the eight sites was 40 percent above the legal limit. The highest was 145 percent

more than allowed.

DEQ rules only require the city to report higher than allowed levels to the public once a year, and only if the average of quarterly tests is higher than the legal limit.

That notification went out to residents on Jan. 5. Since then, many residents have refused to believe assurances from the DEQ and the city that the water is now safe to drink.

So, we set out to do complete and independent testing to find out for ourselves exactly what's in your water.

It took a bit of research, but we finally found Water Tech, in Howell, a testing lab with absolutely no ties to Flint, just to make sure there are no questions about the test results.

After having Water Tech train ABC12's Larry Elliott on the proper methods for collecting water samples, we set out last week to randomly test five sites in Flint.

1. Downtown.

"I'm excited to see this done because this is an independent way to find out that everything's just fine," VanWagoner said.

2. The north side.

"We'd like to do kind of a whole battery of tests of your water. Oh yeah," Alexander said.

3. The west side.

"It could be dangerous to us. How about if we help you find out what's in it right now?" Sanders said.

4. The east side.

"I'm hoping for a good test and put my family at ease," Miller said.

5. Our main studio, on the south side.

We also wanted to compare whatever we're to find with Detroit supplied water, so we took a sample from the Burton water system.

Since next year Flint will connect to the new KWA pipeline, getting its water from Lake Huron, we took a comparison sample from the Saginaw-Midland water system, which currently uses Lake Huron water.

We tested all the sites for levels of TTHM. We also tested how much residual chlorine was in the Flint and Burton water supply and more importantly, we tested at two of our Flint sites for a number of other hazardous chemicals that could cause skin or other health problems.

Tests for those other chemicals are not required for public water systems, but we decided to run those tests anyway.

Here's what our independent testing shows:

All sites tested, including the Saginaw-Midland water system and the Burton system, using Detroit water, contained TTHM - but all of them were well below the EPA allowed maximum.

Saginaw-Midland water had less than a third of the maximum TTHM allowed, the Burton system had only about 25 percent of the maximum and the highest level found of all of our Flint tests showed just over 65 percent of what's allowed, all below EPA limits.

A similar byproduct of chlorination, haloacetic acids, was also well below EPA maximums in Flint's water.

We tested Flint's north and east water samples for many other hazardous chemicals that a doctor told us could cause skin or other health problems, and on both tests, not a single one of those chemicals was detected.

Since most often any smell to the water would be caused by levels of total residual chlorine, we tested that too, in both our Flint and Burton samples.

The legal limit is 4 milligrams per liter. The average of our Flint samples shows a level of about a half milligram per liter. Our test in Burton actually shows 22 percent more residual chlorine than Flint.

Our Flint sample also showed no Coliform bacteria.

We asked Chris McCarthy, of Water Tech, a few questions.

Q: How would you describe these test results?

A: "Well, for the samples received, the tests we performed, everything is within EPA guidelines for safe drinking water."

Q: Is there anything in these results that raises a red flag for you?

A: "For water quality or water safety, No."

We then asked residents if these results change their opinion of what they'll do with their water now.

"To be honest, no," Alexander said.

"It will make me feel a lot more comfortable about bathing and brushing my teeth in it, but I'm still not going to drink it and I'm not gonna give it to my kids or my dog," Sanders said.

"It makes me feel a lot more safer, a lot more comfortable knowing that it's safe to drink now, you know. I'll tell you a load lifted off my shoulders. When the kids take baths, when my wife takes a shower, you know, I know now we're safe," Miller said.

So what about those who've stood before Flint City Council with jugs of discolored water?

While Genesee County Drain Commissioner Jeff Wright points out he has no jurisdiction over Flint's water system, he says in general, discolored water like this is nearly always the result of water main breaks or repairs, and Flint has more than its share because of its aging system.

Wright also says the KWA pipeline won't change that. It will take better management of repairs and money - lots of it - to replace Flint's aging water mains.

Unfortunately for the city of Flint, those very high levels of TTHM recorded last August in Flint water tests are still required by the DEQ to be included in the next report calculating average TTHM levels.

The next test will be done next week, and city Public Works Director Howard Croft tells ABC12, because of the high levels last August, the city will again be found in violation and will be required by the DEQ to send out another TTHM notice of violation to all Flint water customers in early March, even if all new tests show levels under the legal limit.

To view the TTHM testing results from the Michigan DEQ, click HERE.

To view the results of ABC12's water tests, click on the location you'd like to see results for below:

Flint Center

Flint North

Flint East

Flint South

Flint West

Burton

Saginaw-Midland

To view the Michigan DEQ results for South Flint, click HERE.

From: Clement, Elizabeth (GOV)
Sent: Tuesday, February 03, 2015 10:25 AM
To: Walsh, John (GOV)
Subject: Fwd: Flint water

FYI

Sent from my iPad

Begin forwarded message:

> **From:** "Saxton, Thomas (Treasury)" <SaxtonT@michigan.gov>
> **Date:** January 30, 2015 at 4:35:27 PM EST
> **To:** "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>, "Clement, Elizabeth (GOV)" <clemente@michigan.gov>
> **Cc:** "Stanton, Terry A. (Treasury)" <StantonT@michigan.gov>
> **Subject: Flint water**
>
> We (Treasury) think we can restructure the drinking water loans the City currently has. Essentially this means deferring the upcoming April & Oct principle payts. [We can't forgive their loans nor extend the maturities].
>
> I am rounding the numbers… originally they had 4 loans totally $40+mm. The current amt outstanding is about $20mm. The cash benefit of deferring the principle payts is approx. $2.1mm.
>
> I had talked to Jerry A. re where they would use the money. One possibility would be the consultant they are looking hire. The other is to pay for that pipeline replacement he talked about.
>
> I talked to Jim Sygo @ DEQ to see if they had any issues because they are responsible for the program side. He checked with his staff. They had some concerns about opening up 'Pandora's Box' i.e., other distress communities would want to do this. But at the end of the day I think they would ok the deferral particularly if you (the Gov's office) supported it. Jim had left me a v-mail so I can get back to him Monday to really confirm.

From: Murray, David (GOV)
Sent: Tuesday, February 03, 2015 9:55 PM
To: Wurfel, Brad (DEQ); Stanton, Terry A. (Treasury); Hollins, Harvey (GOV); Clayton, Stacie (GOV); Brownfield, Michael (GOV); Allard, Claire (GOV); Posthumus, Dick (GOV); Workman, Wayne (TREASURY); Wyant, Dan (DEQ); Walsh, John (GOV); Clement, Elizabeth (GOV); Muchmore, Dennis (GOV)
Cc: Wurfel, Sara (GOV); Agen, Jarrod (GOV); Biehl, Laura (GOV); Paciorek, Josh (GOV); Brown, Jessica (GOV); Rexford, Tori (GOV)
Subject: Thank you very much for your help.

I just wanted to say thank you to everyone who took part in Tuesday's grant announcement press conference in Flint.

I know that very, very busy people tore up their schedules to appear, or spent a great deal of time with me providing technical assistance and mentoring to bring everything together – even during the weekend and on a snow day. Your help is deeply appreciated!

I think the coverage looks good so far, giving us a chance to change the narrative and explain the state's proper role helping the city with this long-standing issue. Here are some of the early stories:

Governor awards Flint $2 million for troubled water system; Mayor says more is needed, MLive
$2 million in grant money coming to Flint to help with water situation, WJRT-12
Snyder grants $2 million to Flint for troubled water system, Toldeo Blade (AP story)

Thank you again,

Dave

Dave Murray
Deputy Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]
Twitter:@michigandmurray

From: Workman, Wayne (TREASURY)
Sent: Tuesday, February 03, 2015 9:58 PM
To: Murray, David (GOV)
Cc: Wurfel, Brad (DEQ); Stanton, Terry A. (Treasury); Hollins, Harvey (GOV); Clayton, Stacie (GOV); Brownfield, Michael (GOV); Allard, Claire (GOV); Posthumus, Dick (GOV); Wyant, Dan (DEQ); Walsh, John (GOV); Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Wurfel, Sara (GOV); Agen, Jarrod (GOV); Biehl, Laura (GOV); Paciorek, Josh (GOV); Brown, Jessica (GOV); Rexford, Tori (GOV)
Subject: Re: Thank you very much for your help.

You are welcome. It is what the job is about. Helping people.

Sent from my iPhone

On Feb 3, 2015, at 9:55 PM, Murray, David (GOV) <MurrayD1@michigan.gov> wrote:

> I just wanted to say thank you to everyone who took part in Tuesday's grant announcement press conference in Flint.
>
> I know that very, very busy people tore up their schedules to appear, or spent a great deal of time with me providing technical assistance and mentoring to bring everything together – even during the weekend and on a snow day. Your help is deeply appreciated!
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>
> Thank you again,
>
> Dave

Dave Murray
Deputy Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]
Twitter:@michigandmurray

From:	Workman, Wayne (TREASURY)
Sent:	Tuesday, March 03, 2015 2:15 PM
To:	Clement, Elizabeth (GOV); Hollins, Harvey (GOV); Walsh, John (GOV); Baird, Richard (GOV); Murray, David (GOV); Agen, Jarrod (GOV); Wurfel, Brad (DEQ)
Cc:	Saxton, Thomas (Treasury); Muchmore, Dennis (GOV)
Subject:	Fwd: Electronic Communication
Attachments:	Workman Communication.PDF; ATT00001.htm; Utility Wide Water.PDF; ATT00002.htm; Water Fund Expenses.PDF; ATT00003.htm

Latest info from Flint on water system. Received today.

Sent from my iPhone

Begin forwarded message:

> **From:** "Maxine Murray" <mmurray@cityofflint.com>
> **To:** "Workman, Wayne (TREASURY)" <WorkmanW@michigan.gov>
> **Cc:** "Jerry Ambrose" <gambrose@cityofflint.com>
> **Subject: Electronic Communication**
>
> Good morning,
>
> Please find attached an electronic communication with attachments from Emergency Manager Ambrose.
>
> Thank you.
>
> --
> Maxine Murray
> Executive Assistant to
> Mayor Dayne Walling
> Gerald Ambrose, Emergency Manager
> Natasha Henderson, City Administrator
> 1101 S. Saginaw Street
> Flint, MI 48502
> 810.237.2035 Telephone
> 810.766.7218 Fax

CITY OF FLINT

OFFICE OF THE EMERGENCY MANAGER

Gerald Ambrose
Emergency Manager

TO: Wayne Workman, Deputy Treasurer
Treasury Department
State of Michigan

FROM: Jerry Ambrose, Emergency Manager
City of Flint

DATE: March 3, 2015

As the Emergency Manager for the City of Flint, I am charged with restoring the City government to financial solvency, and working to assure that the City moves forward on a financially sustainable basis. The steps taken over the past three years have been difficult. Taxes and fees have been raised, services and workforce reduced, and ongoing costs, including legacy costs, have been constrained.

The current controversy surrounding the provision of water, and the path for resolution, has a potentially significant impact on the progress that is being made. I am satisfied that the water provided to Flint users today is within all MDEQ and EPA guidelines, as evidenced by the most recent water quality results conducted for MDEQ. We have a continuing commitment to maintain water safety and to improve water quality, and have dedicated resources to assure this commitment will be made.

The oft-repeated suggestion that the City should return to DWSD, even for a short period of time, would, in my judgment, have extremely negative financial consequences to the water system, and consequently to the rate payers. By the most conservative estimates, such a move would increase costs by at least $12 million annually, with that amount achieved only by eliminating virtually all budgeted improvements in the system. For a system with Unrestricted Assets of only $740,745, according to the June 30, 2014 audited financial statements, the only recourse within the City's control would be to increase revenues significantly. And in my judgment, that would come from raising rates for water by 30% or more . Further, changing the *source* of the city's water would not necessarily change any of the *aesthetics* of the water, including odor and discoloration, since those appear to be directly related to the aging pipes and other infrastructure that carry water from the treatment facility to our customers.

This direction of discussion also deviates from what, in my judgment, should be the focus: How can we not only operate and maintain a system to assure the delivery of safe and quality water dependably, but significantly reduce the cost of water and sewer to the users? At an average of $149 per month for water and sewer service for a residential user, the cost is extremely high in comparison to surrounding areas, as well as most areas across the state, and creates a significant financial burden for many users. In my judgment, we should all be concentrating on how to reduce rates by 50% or more. Unfortunately, there are no easy or evident answers, and continuation of the status will be an impediment to the sustainable recovery of the City of Flint. It is a conversation that I expect we will have with the recently created Water Quality Advisory Committee.

My reasoning for this conclusion is as follows:

One of the decisions made in the context of beginning to eliminate deficits and to restore financial stability to the City of Flint was to increase water and sewer rates significantly – the only choice available to financially stabilize a system that as of June 30, 2012, had a deficit of $8,758,091. Another was to leave DWDS for the KWA because it offered the opportunity to lower future rate increases. A third decision was to utilize the Flint River on an interim basis when DWSD unilaterally terminated the City's contract for water purchase. That decision was made because it also offered an immediate cost savings opportunity which translated into the ability to upgrade the Water Treatment Plant without having to seek financing. It was a reasonable decision because of our experience in using the river in a back-up capacity, including test runs on a quarterly basis for several decades.

Unfortunately, the switch to the river as a primary source was more challenging than anticipated, and the harsh winter of 2013-2014 resulted in much more damage to the aging water infrastructure than in previous years. The result was the issuance of required notices that water exceeded established guidelines for safety as it could affect certain vulnerable populations, and some users of the system experienced unpleasant odors and discoloration. Some users also appeared to have had some negative reactions to the new source of water. However, as soon as the test results were known, City staff took immediate actions to address the concerns. These actions are evidenced today by the fact that MDEQ has certified that our most recent testing shows water from all testing sites to be well within acceptable guidelines. Additionally, the City is continuing to taking the necessary actions to assure that the water supply remains safe and that water quality continues to improve.

As the City has moved to address the situation, the suggestion continues to be made that the City should re-engage with DWSD and purchase water at least until the KWA pipeline is supplying water. As evidenced by the most recent letter from DWSD, such a decision would immediately increase the City's cost by $846,700 per month, or $10,160,400 per year, just for the fixed cost portion of the price. The actual *purchase* of water would be an additional fee, and dependent upon

the quantity purchased. We estimate the actual water purchase cost to average more than $1 million per month, for a grand total of approximately $22 million per year. Finally, the DWSD offer is conditioned upon the City (or presumably the KWA) agreeing to negotiate a long term contract (30 years) for back-up.

The $22 million annual estimate of increased costs to purchase water from DWSD would be minimally offset by an approximate $3 million in reduced operating costs, and could be further offset by an additional $9 million, but only if all funding for capital improvements to the system are eliminated. To eliminate all funding dedicated to repairing, stabilizing, and improving the system would be totally irresponsible and would have long term negative consequences to the City and to future rate payers.

As you are aware we have recently brought in outside expert assistance to evaluate the steps we have taken to assure that the water is safe and to continue to improve water quality. We are expecting specific recommendations within the next few weeks, and are committed to implementing those recommendations in a timely manner. Many steps have already been taken. I am confident that implementing their recommendations will assure a continuing supply of safe water as well as improved quality, and at far less cost than re-engaging DWSD.

We have also created a 40-member Water Advisory Committee and a 13-member Technical Advisory Committee to assure two-way communication with the public and users of the system. Those committees will begin to meet this week, and we look forward to answering their questions and receiving their input.

It is unfortunate that problems and concerns with quality have arisen, and we are working every day to address the issues that caused them. Maintaining safe water and improving quality is a top priority as we work to make the City of Flint an attractive place to live, work, study, and play.

02/09/2015

UTILITITY WIDE WATER FUND PROFESSIONAL SERVICES
PERIOD ENDING 02/28/2015

ACCOUNT	DESCRIPTION	2014-15 AMENDED BUDGET	ACTIVITY FOR MONTH 02/28/2015	YTD BALANCE 02/28/2015	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT USED
Dept 536.100-Utilities - Water Administration							
Fund 591 - Water Fund							
801.000	**Professional Service**	2,320,000.00	50,418.75	537,844.65	348,549.88	1,433,605.47	38.21
	ROWE City Engineering			contract	$ 79,000.00		
	Dump Site Analysis			contract	$ 42,892.00		
	LAN Water Implementation			contract	$ 244,900.00		
	JFA /U.S. Dept Interior					$ 27,295.00	
	Raftelis Financial Update					$ 23,810.00	
	Bray Road					$ 500,000.00	
	TTHM Violation Letters/Mailings					$ 25,000.00	
	MDEQ Permit Fees					$ 100,000.00	
	Energy Costs/Performance Contracts					$ 250,000.00	
	Veolia Water Consultant					$ 40,000.00	
	City Works/Assest Management					$ 350,000.00	
	Operational Contingency					$ 117,500.00	
Total Dept 536.100-Utilities - Water Administration					$ 366,792.00	$ 1,433,605.00	
Dept 540.100-Water Service Center Management							
Fund 591 - Water Fund							
801.000	**Professional Service**	374,400.00	0.00	74,877.03	250,869.51	48,653.46	87.00
	Sewerlines Cty Engineering			contract	$ 190,000.00		
	Internal Investigations			contract	$ 95,645.22		
	Landfill Services					$ 12,500.00	
	Janitorial Services					$ 4,260.00	
	After Hours Water & Staking					$ 2,500.00	
	Line Stopping					$ 25,000.00	
					285,645.22	44,260.00	

Dept 540.202-Wsc-Water Distriburion Mains								
Fund 591 - Water Fund								
801.000	**Professional Service**	60,000.00	0.00	0.00	500.00		59,500.00	0.83
	Fire Extinguisher Services			contract	500.00			
					500.00			
		Balance is being used for budget adjustment to cover overruns for garage charges						
	Current gararge overruns is $100,000.00						**59,500.00**	
Dept 540.300-Capital Improvement								
Fund 591 - Water Fund								
801.000	**Professional Service**	2,660,000.00	0.00	0.00	60,000.00		2,600,000.00	2.26
	Water Meters			contract	60,000.00			
	Water Main Replacement Iroquois					$	2,500,000.00	
	Valve Exercising					$	100,000.00	
Total Dept 540.300-Capital Improvement					$ **60,000.00**	$	**2,600,000.00**	
Dept 545.200-Water Plant - Operations								
Fund 591 - Water Fund								
801.000	**Professional Service**	80,000.00	0.00	8,866.98	10,323.02		60,810.00	23.99
	Lab Testing			contract	10,323.02			
	Dam inspections					$	11,500.00	
	Comprehensive Reulatory Compliance					$	40,000.00	
	Lab Proficiency Testing					$	6,000.00	
	All Max Data Support					$	2,500.00	
Total Dept 545.200-Water Plant - Operations					$ **10,323.02**	$	**60,000.00**	
Dept 545.201-Water Plant Maintenance								
Fund 591 - Water Fund								
801.000	**Professional Service**	26,000.00	0.00	3,700.00	12,955.00		9,345.00	64.06
	Vibration Analysis			contract	$ 5,500.00			
	Elevator Inspections & Services			contract	$ 2,455.00			
	Diving for Dams Inspection			contract	$ 5,000.00			
	RPZ Inpsection & Repair					$	4,000.00	
	Generator Inspection & Services					$	5,000.00	
Total Dept 545.201-Water Plant Maintenance		26,000.00	0.00	3,700.00	$ **12,955.00**	$	**9,000.00**	64.06

Dept 545.300-Water Plant - Capital Improvements

Fund 591 - Water Fund

801.000	**Professional Service**	2,900,000.00	0.00	927,098.07		1,296,474.81	676,427.12	76.67
	Installation of Storage Tanks			contract	$	716,272.00		
	Motor Control Upgrade			contract	$	440,157.00		
	Easement- Electrical Grounding			contract	$	4,054.00		
	Lime Residual			contract	$	135,991.81		
	Cedar Street Pumpt Station						$ 500,000.00	
	Pump Station Feeder						$ 125,000.00	
	TTHM Operationial Evaluation						$ 50,000.00	
Total Dept 545.300-Water Plant - Capital Improvements		2,900,000.00	0.00		$	1,296,474.81	$ 675,000.00	76.67

Total	Budgeted	YTD Balance	Encumbered	Unencumbered
	$8,420,400.00	$1,552,386.73	$2,032,690.05	$4,821,865.00

WATER FUND EXPENSES

GL NUMBER	DESCRIPTION	2013-14 ACTIVITY	2014-15 AMENDED BUDGET	2015-16 APPROVED BUDGET	2015-16 BUDGET CHANGES FOR DWSD	2015-16 BUDGET CHANGES FOR DWSD	STATUS QUO REVISED 2015-16 BUDGET WITH DWSD	2015-16 BUDGET CHANGES WITH DWSD & ALL CAPITAL FUNDING ELIMINATED
Expenses - Water Fund								
Dept 536.100-Utilities - Water Administration								
	Wages and Fringes	$76,155	$528,777	$445,851			$445,851	
	Repairs and Improvements	$2,497,397	$2,320,000	$2,320,000		$0	$2,320,000	($1,820,000)
	Other Expenses	$2,295,410	$2,248,750	$2,248,750			$2,248,750	
Dept 540.100-Water Service Center Management								
	Wages and Fringes	$199,883	$228,451	$256,343			$256,343	
	Repairs and Improvements	$140,599	$374,400	$350,000		$0	$350,000	($50,000)
	Other Expenses	$106,780	$477,292	$547,649		$0	$547,649	
Dept 540.200-Wsc-Meter Reading - Water								
	Wages and Fringes	$439,351	$488,365	$481,316		$0	$481,316	
	Other Expenses	$151,894	$64,000	$64,000		$0	$64,000	
Dept 549.202-Wsc-Water Distribution Mains								
	Wages and Fringes	$2,383,598	$3,006,550	$3,024,627		$0	$3,024,627	
	Repairs and Improvements	$391	$60,000	$85,000		$0	$85,000	($85,000)
	Other	$1,210,118	$920,457	$849,500		$0	$849,500	
Dept 545.200-Water Plant - Operations								
	Wages and Fringes	$988,523	$1,827,005	$1,761,027	Staffing	($376,098)	$1,384,929	
	Repairs and Improvements	$48,723	$80,000	$60,000			$60,000	($60,000)
	Supplies, Utilities and Other	$22,779,389	$3,445,656	$3,318,656			$23,960,446	
					Fixed Charge DWSD	$10,160,400		
					Commodity Chg DWSD	$12,818,190		
					Chemical Purchase	($1,480,900)		
					Electrical Power	($850,000)		
Dept 545.202-Water Plant - Dam Operations		$119,216	$0	$0			$0	
Dept 545.203-Water Plant - Dam Maintenance		$126,623	$0	$0			$0	
Dept 545.300-Water Plant - Capital Improvements								
	Repairs and Improvements	$968,815	$2,900,000	$1,200,000			$1,200,000	($1,200,000)
	Other	$980,161	$3,700,000	$2,400,000			$2,400,000	
Dept 900.100-Cost Allocation and Retiree Healthcare		$3,111,662	$5,600,242	$6,077,577			$6,077,577	
Dept 966.101-PILOT Payment		$1,130,000	$1,130,000	$1,130,000			$1,130,000	
Dept 966.493-Debt Service		$2,638,071	$2,638,071	$2,638,071			$2,638,071	
Dept 540.300-Capital Improvement								
	Repairs and Improvements	$0	$2,660,000	$2,660,000			$2,660,000	($2,660,000)
	Other	$0	$530,000	$530,000			$530,000	
Dept 233.100-Purchasing	Wages and Fringes	$63,263	$0	$29,313			$29,313	
Dept 253.202-Bad Debt Expense		$161,939	$0	$0			$0	

Dept 536.206-Utilities - Water Cross Connection Prog		$100,314	$109,945	$108,182		$108,182		
Dept 545.201-Water Plant Maintenance								
	Wages and Fringes	$1,063,567	$1,147,846	$1,127,386		$1,127,386		
	Repairs and Improvements	$8,142	$26,000	$26,000		$26,000		($26,000)
	Other	$420,048	$671,249	$689,000		$689,000		
591-536.100-990.200	KWA Operation Payment	$0	$584,000	$584,000		$584,000		
	Reserve	$0		$2,873,750		$2,873,750		($2,873,750)
Total Expenses		**$44,210,032**	**$37,767,035**	**$37,886,000**	**$20,265,692**	**$58,151,692**		**$48,576,942**

WATER FUND REVENUES

GL NUMBER	DESCRIPTION	2013-14 ACTIVITY	2014-15 AMENDED BUDGET	2015-16 APPROVED BUDGET	2015-16 BUDGET CHANGES FOR DWSD	STATUS QUO REVISED 2015-16 BUDGET WITH DWSD	Inc.	2015-16 BUDGET CHANGES WITH DWSD & ALL CAPITAL FUNDING ELIMINATED	Inc.
Revenues- Water Fund									
	Meter Water Sales	$42,132,946	$37,000,000	$37,000,000	$20,265,692	$57,265,692	55%	$48,576,942	31%
	Other Revenues	$1,589,155	$886,000	$886,000	$0	$886,000		$886,000	
	Asset Sale	$3,493,743	$0	$0	$0	$0		$0	
	Carry Over	$0	$3,263,505	$0	$0	$0		$0	
Total Revenues		**$47,215,844**	**$41,149,505**	**$37,886,000**	**$20,265,692**	**$58,151,692**		**$48,576,942**	

Subject:	RDS/DM/EC/JW/NKhouri/TSaxton/WWorkman - Local Government Update
Location:	Governor's Office, Romney
Start:	Wed 7/22/2015 3:30 PM
End:	Wed 7/22/2015 4:15 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	GovCalendar
Required Attendees:	Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Wisniewski, Wendy (GOV); Workman, Wayne (TREASURY); Saxton, Thomas (Treasury); Pleyte, Beth (Treasury); Doyle, Maureen (Treasury); Walsh, John (GOV); Khouri, Nick (TREASURY); Dempkowski, Angela (Treasury)

Agenda:

Wayne County
- PA 436

Highland Park
- Water System Privatization
- OPEB Reforms

Royal Oak Township
- Management Issues

Pontiac
- Budget Surplus
- Federal Litigation - OPEB

Flint
- Water System/KWA
- Federal Litigation - OPEB

Ecorse
- Home Rule Issues/RTAB

Benton Harbor
- Litigation – Former Employees v. City and Former EM

Allen Park
- Police Proposed New Contract

Lansing
- Pension and OPEB Discussion

Attachment: WWorkman Memo

Local Government Update.pdf

STATE OF MICHIGAN
DEPARTMENT OF TREASURY

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

DATE: July 10, 2015

TO: Rick Snyder, Governor

FROM: Wayne Workman, Deputy State Treasurer

SUBJECT: Status of Financially Distressed Local Governments

EMERGENCY MANAGER

Redacted

Redacted Pages 2-4

Redacted

- The city continues to inform residents that it is in violation of the Clean Water Standards Act. Monthly testing is ongoing.
- The city is implementing Veolia recommended improvements to its water system, including water plant improvements, distribution system improvements, new policies and procedures, and better communication with customers. The city is installing a $1.5M granulated active-charcoal filter to improve water quality. This filter installation will be completed in mid-July.
- The city hired Echologics at a cost of $895,850 to perform a leak detection study. This project is scheduled to begin in July 2015.
- The KWA pipeline is expected to be completed in June 2016. The two pump stations are 75% complete and the intake should be completed in August 2015.

Redacted

Redacted Pages 6-9

From: Muchmore, Dennis (GOV)
Sent: Saturday, September 26, 2015 9:26 AM
To: Snyder, Rick (GOV)
Cc: Calley, Brian (GOV); Scott, Allison (GOV); Agen, Jarrod (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Posthumus, Dick (GOV); Forstner, Nathaniel (GOV)
Subject: Flint updates
Attachments: Lead Advisory Release.pdf; ATT00001.htm; BLLs in Flint v2.pptx; ATT00002.htm; FINAL Flint Lead TP 092415.docx; ATT00003.htm

The memo and attachments below have captured the latest information from the departmental side on Flint succinctly. Kildee is engaged in his normal press hound routine, which is unfortunate because he's really a smart, talented guy who needs to roll up his sleeves while Ananich is looking for relief but doesn't know where it would come from and as usual is a positive force.

Frankly, I think both know that Walling went out on CYA effort due to the election, but of course can't say so. Neither has any idea where his $30M figure came from, or where we would get it even if you were so inclined.

Originally the thrust for the KWA came from the Genesee County commission and those involved in the planning for KWA including the Trades. By the time the council had voted 7-1 for it, Andy Dillon was in the position of signing off on it and did. However, it was still the right position for the long term benefit of the city and its future. They of course have not been particularly helpful in finding solutions to the issues. I will say that the Drain Commissioner has been a good partner and is working overtime on the problem.

They can't reconnect to DWSD even if they wanted to as they sold the connector line. And, especially with the new rate increases in Detroit, their citizens would be less able to pay than they already are. The water certainly has occasional less than savory aspects like color because of the apparently more corrosive aspects of the hard water coming from the river, but that has died down with the additional main filters. Taste and smell have been problems also and substantial money has been extended to work on those issues.

Now we have the anti everything group turning to the lead content which is a concern for everyone, but DEQ and DHHS and EPA can't find evidence of a major change per Geralyn's memo below. Of course, some of the Flint people respond by looking for someone to blame instead of working to reduce anxiety. We can't tolerate increased lead levels in any event, but it's really the city's water system that needs to deal with it. We're throwing as much assistance as possible at the lead problem as regardless of what the levels, explanations or proposed solutions, the residents and particularly the poor need help to deal with it.

It seems that continuing to find funds to buy local residents home filters is really a viable option and Harvey and all are pursuing more assistance in that work. Almost all the "experts" I've talked to are convinced the problem is in the old lines leading to homes and short of a massive replacement CSO type bond that wouldn't resolve the issue for a couple of years, nature (temp reductions), filters and a final connect seem to be the best courses of action.

The residents are caught in a swirl of misinformation and long term distrust of local government unlikely to be resolved.

Sent from my iPhone

Begin forwarded message:

From: "Lasher, Geralyn (DCH)" <lasherg@michigan.gov>
Date: September 25, 2015 at 4:47:01 PM EDT
To: "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>, "Clement, Elizabeth (GOV)" <clemente@michigan.gov>, "Lyon, Nick (DCH)" [redacted] "Wyant, Dan (DEQ)" [redacted]
Cc: "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>, "Wisniewski, Wendy (GOV)" <wisniewskiw@michigan.gov>, "Grijalva, Nancy (DCH)" <GrijalvaN@michigan.gov>, "Hertel, Elizabeth (DCH)" <HertelE@michigan.gov>
Subject: Update

Quick recap on the interactions this week from the MDHHS side on the Flint water issue.

Today the City of Flint issued the attached "Lead Advisory" for residents to be aware of lead levels in drinking water and issued suggestions from the Genesee County Health Department as to what residents could do to reduce risk. These include:
-- flushing cold-water pipes by running water for approximately 5 minutes,
--using only water from the cold-water tap for drinking, cooking and making baby formula
--installing a water filter that is NSF-certified for lead removal.

We worked with the Genesee County Health Department throughout the week to get them in a more pro-active mode to provide this guidance publicly and to encourage citizens to have the City test their water if they were concerned about the quality of water at their home. The health department also issued this fact sheet http://www.gchd.us/docs/Popular_Pages/GCHD_Lead_in_Water_Fact_Sheet_2_.pdf on Thursday providing additional information on the issue.

MDHHS epidemiologists continue to review the "data" provided by a Hurley hospital physician that showed an increase in lead activity following the change in water supply. While we continue to review this data, we have stated publicly that Hurley conducted their analysis in a much different way than we do at the department. Hurley used two partial years of data, MDHHS looked at five comprehensive years and saw no increase outside the normal seasonal increases. The Hurley review was also a much smaller sample than MDHHS data as ours includes all hospital systems in Flint as well as outside laboratories.

We have also provide the attached data chart that outlines if the elevated blood lead levels were being driven by a change in water, we would have seen the elevated levels remain high after the change in water source.

We have also communicated that for WIC beneficiaries in Flint with documentation of unsanitary water, they may be able to receive ready to feed formula and have encouraged families to contact WIC to see if they are eligible for this formula. SNAP beneficiaries are able to purchase bottled water with their SNAP funds.

Talking points from MDHHS are attached as well.

Thank you,
G

Dayne Walling
Mayor

Natasha L. Henderson
City Administrator

Jason Lorenz
Public Information Officer
Office: (810) 237-2039
[redacted]
jlorenz@cityofflint.com

For Immediate Release

City of Flint Issues Lead Advisory

Flint, Michigan – September 25, 2015 – The City of Flint is issuing a Lead Advisory for residents to be aware of lead levels in drinking water after hearing concerns from the medical community. While the City is in full compliance with the Federal Safe Drinking Water Act, this information is being shared as part of a public awareness campaign to ensure that everyone takes note that no level of lead is considered safe.

The Genesee County Health Department has issued a fact sheet regarding lead precautions for residents. The fact sheet can be found on their website at www.gchd.us. Here are a few of the suggestions the Health Department recommends:

- Flush your cold-water pipes by running the water for approximately 5 minutes
- Use only water from the cold-water tap for drinking, cooking, and especially for making baby formula.
- Install a water filter that is NSF-certified for lead removal.

Lead contamination can leach into water from a home's lead water service lines, lead solder, and leaded plumbing materials including fixtures, faucets, and fittings. Older service lines with pipes and fixtures installed before 1986 can sometimes be more susceptible to lead issues due to materials used in the home such as lead based paint and lead pipes.

This message is meant as a precaution to residents and does not mean that all homes in the City will experience the same issue. Residents with concerns about lead service lines

and lead in home plumbing fixtures are encouraged to contact the City's Utilities Division to schedule a free water testing by calling the Water Treatment Plant at 810-787-6537 and pressing #1 after prompted or by emailing flintwater@cityofflint.com.

The City of Flint is working proactively along with the County Health Department, the Michigan Department of Environmental Quality, and the U.S. Environmental Protection Agency to improve the water system throughout the City. An accelerated plan to add a corrosion control agent to our water within 30 to 60 days with expedited approval from the Michigan Department of Environmental Quality is already underway. This will reduce corrosion which can cause lead in old pipes to leach into the water.

This plan is in addition to Mayor Walling's letter requesting $30 Million in water infrastructure assistance funding from the State of Michigan. $10 Million of that request would be for the replacement of lead service lines in households to ensure that lead no longer presents a danger to the drinking water of our residents. As the letter states, "It is the City's position that the abatement of lead through the removal of lead containing pipes and fixtures in homes is the best long term solution to keeping our residents' water safe."

Mayor Walling further stated: "I am extremely concerned about the risks around lead with Flint's children and I will be working tirelessly to ensure the water is safe and all of our families have the information they need. I also will continue to pursue funding for infrastructure improvements and a comprehensive healthy homes initiative that addresses lead in paint and pipes. We have to get the lead out of our community to eliminate the threat of childhood lead poisoning."

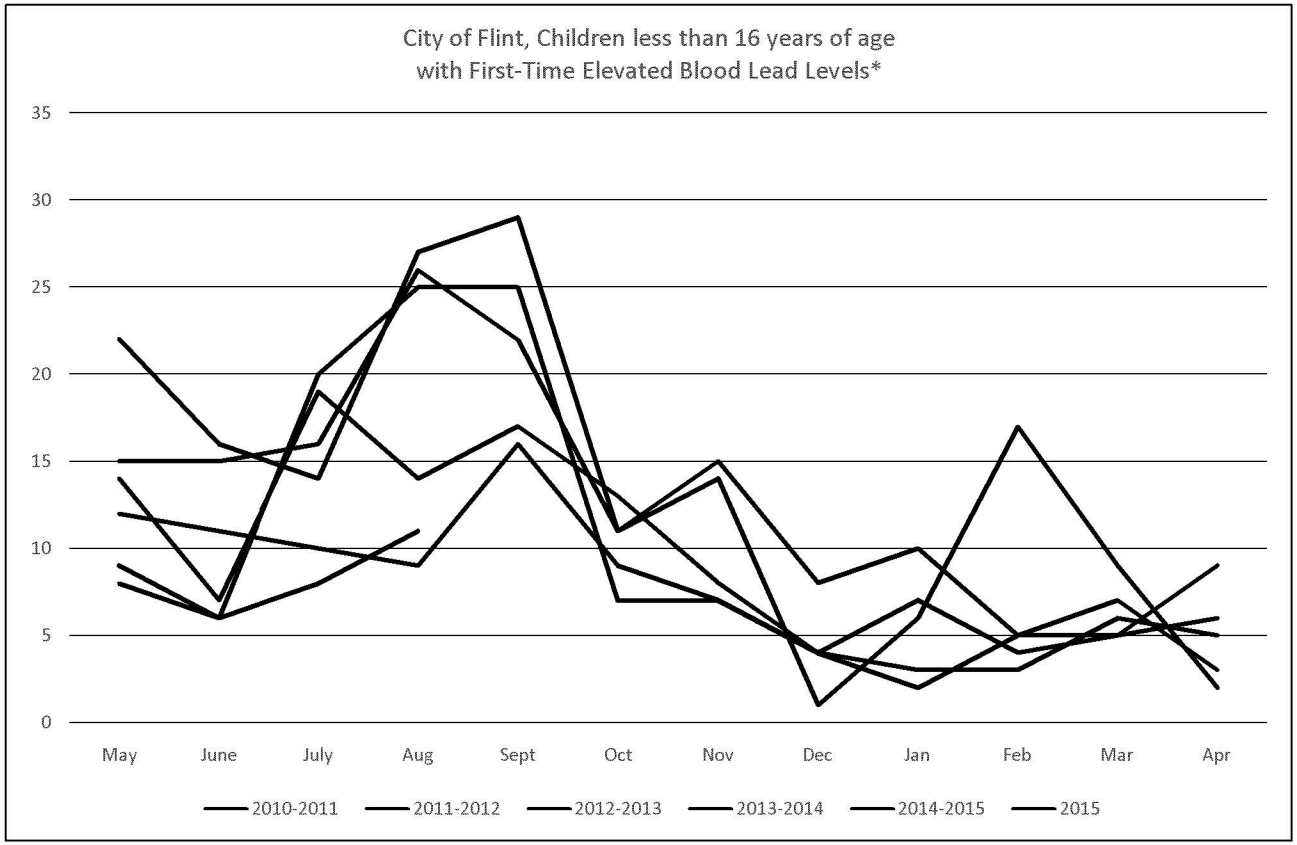
The City of Flint continues working proactively with the County Health Department, the Michigan Department of Environmental Quality, and the U.S. Environmental Protection Agency to improve the water system throughout the City. The City remains committed to working with all of our partners in the Water Technical Advisory Committee to address all

issues of public health and quality concerns that face the community. Updates on progress made in addressing this issue will be made during regular public meetings including City Council and other scheduled meetings. Information on this and all related matters will continue to be posted on the City of Flint's website, cityofflint.com.

–END–

Blood Lead Testing of Children in Flint, Before and After the Change in Flint's Water

- The change in Flint's water source occurred in April 2014. MDHHS looked at children's blood lead levels (BLL) before and after this event.
- The dark blue line (May 2014 – April 2015) and the green line (May-August 2015) reflect children's blood lead tests after the change. All other lines reflect tests before the change.
- An increase in childhood lead poisoning in summer (July, August, September) is typical throughout Michigan every year.
- While there is a dramatic difference between the numbers of elevated BLL in the summer before and after the event, a wider look that includes data back to 2010 shows that the year BEFORE the event (the yellow line) was more of an anomaly than the year after (the dark blue line).
- If elevated BLL were being driven by the change in water, we would expect the dark blue line to stay high rather than follow the seasonal pattern.
- All data included in this analysis were reported by laboratories directly to MDHHS, in accordance with State law.



*This graph includes:
Children whose address is listed as "Flint"--may not conform exactly to Flint city limits
Children less than 16 years of age at time of test
Only first-time blood lead levels >= 5 ug/dL
All first-time elevated levels, regardless of sample type (venous, capillary or unknown)

September 24, 2015

Source: MDHHS Data Warehouse, Lead Specimen table

Blood Lead Testing of Children in Flint, Before and After the Change in Flint's Water

- Blood lead testing (regardless of elevated levels) also tends to rise during late summer (August, September, October).
- This graph shows that testing in Flint has remained fairly steady over the last five years, except for a recent decline(May – August 2015).

*This graph includes:
Children whose address is listed as "Flint"--may not conform exactly to Flint city limits
Children less than 16 years of age at time of test
The number of children tested within each month.
Some children are tested more than once, and may be included in more than one month or year.

September 24, 2015

Source: MDHHS Data Warehouse, Lead Specimen table

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1	

Blood Lead Levels in Flint Talking Points
September 24, 2015

- Promoting the health of our residents is a statewide priority – a priority that includes ensuring clean, safe drinking water for all residents and especially children.
- The results of the Hurley Children's Hospital are under review by the Michigan Department of Health and Human Services.
- The analysis that Hurley conducted is different from the way MDHHS has analyzed data regarding blood lead levels in Flint.
- MDHHS is looking to see if we can replicate the results of the Hurley study to see how they achieved their results.

MDHHS Blood Lead Testing Results in Flint

- MDDHS data shows a comprehensive look at the data since 2010, years before the change in Flint's water source occurred in April 2014.
- Each year shows a seasonal increase in childhood lead poisoning in the summer months, the highest seasonal increase of which occurred in 2010.
- If elevated blood lead levels were being driven by the change in water, we would expect to see the elevated levels remain high after the change in water source, rather than follow the seasonal pattern as they did by decreasing in the fall months.
- All data included in the MDHHS analysis were reported by laboratories directly to MDHHS, in accordance with State Law.

Differences in Analysis

- MDHHS data provides a much more robust picture of the entire blood lead levels for the Flint area, and specifically, accounts for data over the full course of the past five years.
- Looking at the past five years as a whole provides a much more accurate look at the seasonal trends of lead in the area.
- Seasonal exposure is higher in the summer for a variety of reasons including children playing outside in the soil, and when windows are open and lead paint is more likely to be in the air. This seasonal increase would be unrelated to the water system.
- Our data includes children from the entire city, including all medical facilities, rather than just Hurley, has a larger age group of children, and includes a much larger sample size.
- The MDHHS analysis looks specifically at the first elevated blood lead level for each child, which provides an accurate picture of when first exposure occurred.
- The Hurley data includes a smaller sample size, much more limited time period (January-September of 2013 and 2015 only), and a smaller age group of children.

WIC Children

- In homes with infants on WIC, if the household has documentation from an official source of unsanitary water supply issues, that family may be eligible to receive ready-to-feed formula. Families should contact WIC to see if they are eligible.
- Each household would have to be looked at on an individual basis.
- WIC cannot cover bottled water.

From: Michelle Zdrodowski <michelle.zdrodowski@detroitk12.org>
Sent: Thursday, October 29, 2015 3:53 PM
To: Hollins, Harvey (GOV)
Cc: connersp@michigan.gov; Muchmore, Dennis (GOV); Walsh, John (GOV); McPhee, Karen (GOV); Murray, David (GOV); Khouri, Nick (TREASURY); Baird, Richard (GOV); Stanton, Terry A. (Treasury); Saxton, Thomas (Treasury); Wurfel, Sara (GOV); Darnell Earley
Subject: Flint EM Order On Water Plant Upgrades
Attachments: Water Plant EO-Kurtz Order on Water Plant.pdf

Harvey,

Mr. Earley asked that I send you the attached executive order signed by former Flint EM Edward Kurtz, which clearly indicates that a decision on the use of Flint River water had been made by June of 2013.

This was not included in the packet of documents that had previously been provided by Treasury.

Any questions, please let him know.

Thanks,

Z

Michelle A. Zdrodowski
Executive Director of Communications
Detroit Public Schools
3011 W. Grand Boulevard, 14th Floor
Detroit, MI 48202
313.873.3238, office
[redacted]

EM SUBMISSION NO.: 2013 EM140

PRESENTED: 6-21-13

ADOPTED: 6-26-13

BY THE EMERGENCY MANAGER:

Resolution Authorizing Approval to Enter into a Professional Engineering Services Contract for the Implementation of Placing the Flint Water Plant into Operation

The City of Flint requires professional engineering services for assistance in placing the Flint Water Plant into operation using the Flint River as a primary drinking water source for approximately two years and then converting to KWA delivered lake water when available at a cost of $171,000.00; and

The City of Flint is seeking to enter into a sole source contract with Lockwood, Andrews & Newnam, Inc., with funding coming from the Utilities Administration FY14 account in 591-536.100-801.000; and

IT RESOLVED, That appropriate City Officials are authorized to enter into a Professional Engineering Services contract with Lockwood, Andrews & Newnam, Inc., for the administration of placing the Flint Water Plant into operation using the Flint River as a primary drinking water source at a cost of $171,000.00. Funding will come from the Utilities Administration FY14 account 591-536.100-801.000

APPROVED AS TO FORM:

Peter M. Bade, Chief Legal Officer

APPROVED AS TO FINANCE:

Jerry Ambrose, Finance Director

EM DISPOSITION:

ENACT ✓ **FAIL** _____ **DATED** 6-26-13

Edward J. Kurtz, Emergency Manager

RESOLUTION STAFF REVIEW

Date: June 17, 2013

Agenda Item Title: Resolution Authorizing Approval to Enter into a Professional Engineering Services Contract for the implementation of Placing the Flint Water Plant into Operation

Prepared by:
Yolanda Gray, Utilities Accounting Coordinator

Summary of Proposed Action:
Resolution authorizing the City of Flint to enter into a sole source contract with Lockwood, Andrews & Newnam for professional engineering services to place the Flint Water Plant into operation using the Flint River as a primary drinking water source.

Financial Implications:
$171,000.00

Pre-encumbered?: Yes____ No __x____ Requisition: Funding will be available in the FY14 Utilities Administration budget.

Account No. FY14 591-536.100-801.000

Other implications (i.e. collective bargaining):
No other implications are known at this time.

Staff Recommendation: Recommend Approval

Staff Person

Howard Croft
Infrastructure & Development Director

Daugherty A. Johnson III
Utilities Administrator

From: Murray, David (GOV)
Sent: Thursday, December 03, 2015 1:05 PM
To: Baird, Richard (GOV); Hollins, Harvey (GOV); Mcbride, Bill (GOV); Walsh, John (GOV); Brownfield, Michael (GOV); Redford, James (GOV); Posthumus, Dick (GOV); Calley, Brian (GOV); Forstner, Nathaniel (GOV)
Subject: Flint water release today
Attachments: Flint EBL Data Press Release V9.docx; Comms Plan - Flint EBL Data Summary 12315.docx; Flint Blood Lead Level Summary Report Dec.pdf

Team,

DHHS is sending out this update on Flint blood lead testing this afternoon. Preliminary data indicates that 30 of 1,361 adults and children tested in Flint since October 1 had elevated blood lead levels, according to a report issued today by the Michigan Department of Health and Human Services.

We've worked with the folks there to make the release as reader friendly and people focused as possible, and also to show some historical context. The graph on the PDF is particularly effective, showing that levels were just as high in 2010.

Please share any concerns you may have.

Dave

STATE OF MICHIGAN

RICK SNYDER
GOVERNOR

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

NICK LYON
DIRECTOR

FOR IMMEDIATE RELEASE
December 3, 2015

CONTACT: Jennifer Eisner
(517) 241-2112

MDHHS releases latest data outlining blood lead levels in Flint

Follow-up care, case management resources continue for families

LANSING, Mich. – Preliminary data indicates that 30 of 1,361 adults and children tested in Flint since October 1 had elevated blood lead levels, according to a report issued today by the Michigan Department of Health and Human Services.

This marks the first summary report on lead testing called for in the state's action plan related to health concerns about Flint's water infrastructure.

"Our goal is to help families reduce their exposure to lead sources," said Dr. Eden Wells, MDHHS chief medical executive. "We have made progress in testing and identifying those with elevated blood lead levels, and the department will continue to work closely with the Genesee County Health Department to reach these families. We will remain diligent in our ongoing outreach and education efforts."

Information comes from tests administered citywide to 1,361 children and adults since October 1. Tests showed that 21 of 969 children age 17 or younger and 9 of 392 adults over the age 18 were identified with elevated blood lead levels.

The report covers test results reported to MDHHS since the state action plan was put in place Oct. 2. It includes the number of tests and number of elevated blood lead levels greater than 5 micrograms per deciliter, and captures both capillary and venous blood tests that have been reported to MDHHS since the beginning of October. People who have had multiple tests are counted only once. Five micrograms per deciliter is the level that the Centers for Disease Control and Prevention considers elevated and triggers health care professional follow up with families.

The full report is posted online at www.michigan.gov/flintwater and will be updated as more data becomes available.

When reviewing historical trend data, the risk of lead exposure is highest during the third quarter of each year – July through September. Seasonal variation is the result of a number of factors including increased exposure to lead in dust and soil in the summer months.

In the third quarter of 2010, 8.3 percent of Flint children 6 and under showed elevated blood lead levels. The figure gradually decreased to 4.1 percent in the third quarter of 2013. During the same months in 2014, the figure increased to 7.5 percent and decreased to 6.4 percent in the third quarter of 2015.

– MORE –

Last month, MDHHS collaborated with the county health department and local partners to distribute educational resources and informational letters to Flint parents regarding lead testing. The state is providing funding for GCHD nurses to work with families when an elevated blood lead level has been detected. During these follow-up visits, nurses coordinate with environmental health investigators to meet with families in their homes to identify lead exposures, address questions and provide water filters. People can be exposed to lead from paint, soil, plumbing and other sources.

MDHHS continues to provide free water filters and replacement cartridges to Flint residents at four locations, including the MDHHS Flint offices and the Genesee County Community Action Resource Department. For a full list of locations and hours of distribution, visit www.michigan.gov/flintwater.

To help residents properly install water filters, and to demonstrate how to replace the original when it expires, MDHHS has created an instructional video on its YouTube channel. For updates, visit www.michigan.gov/flintwater.

# # #

Flint EBL Data Summary

Communications Plan

Purpose

To release elevated blood lead level data for the city of Flint and communicate the summary to our partners in the community as well as local and state media. The report is intended to inform residents about blood lead level testing efforts in Flint and provide preliminary cumulative numbers on an ongoing basis.

Communications Timeline – December 3, 2015

11 a.m.

- Send final release and summary report to Governor's office, Michigan Department of Environmental Quality

1:30 p.m.

- Send final embargoed release and summary report to:
  - Genesee County Health Department – Geralyn Lasher
  - Dr. Mona Hannah-Attisha – Geralyn Lasher
  - Task Force Members – Geralyn Lasher
  - City of Flint Mayor's Office – Geralyn Lasher
  - Congress and legislature – Elizabeth Hertel

2 p.m.

- Issue press release and summary report
- Post press release and summary report to MDHHS website newsroom and Flint Water website, www.michigan.gov/flintwater

3 p.m.

- Pitched media interviews with Dr. Eden Wells:
  - Ron Fonger, MLive
  - Kristi Tanner, Detroit Free Press
  - Robin Erb, Detroit Free Press
  - Steve Carmody, Michigan Radio

MDHHS Contacts – Office Number 517-241-2112

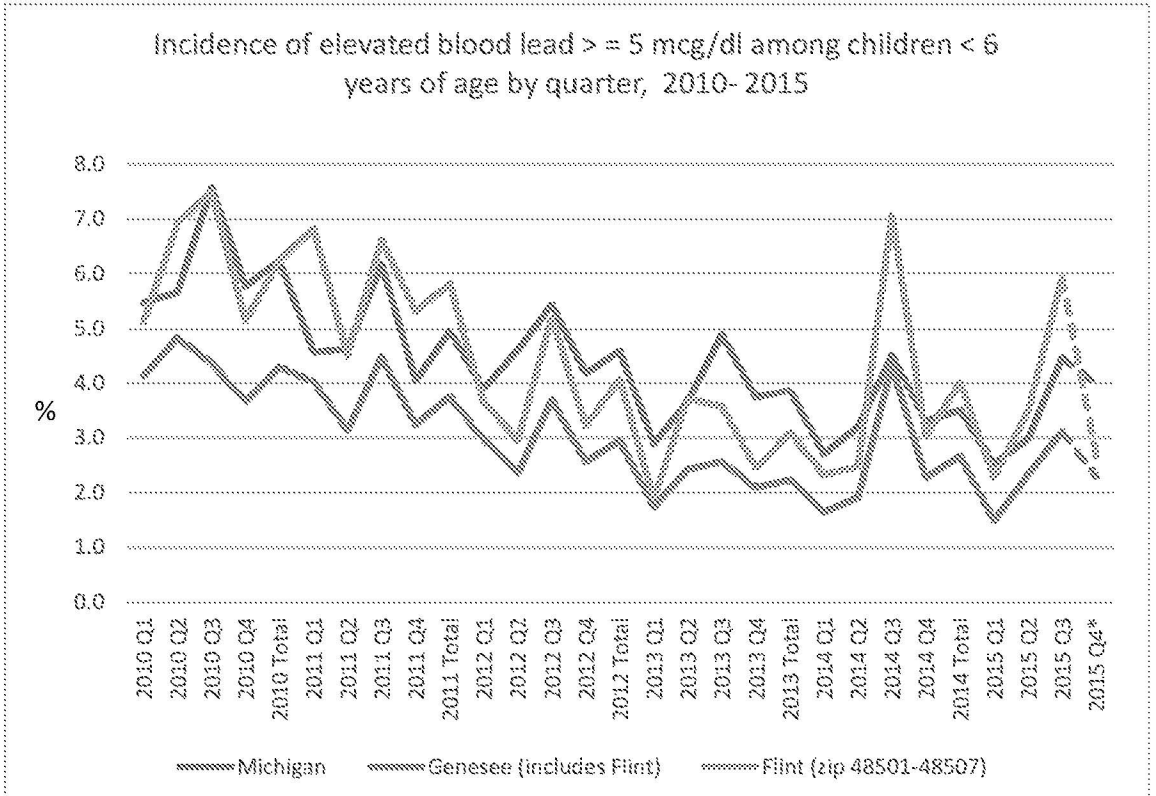
- Geralyn Lasher, cell – [redacted]
- Angela Minicuci, cell – [redacted]
- Jennifer Eisner, cell – [redacted]

Michigan Department of Health and Human Services (MDHHS)
Blood Lead Level Test Results for Flint Zip Codes 48501-48507
Genesee County, and the State of Michigan
Summary as of November 13, 2015

Executive Summary

This report is generated by MDHHS to track Blood Lead Level test results in Flint, Michigan.

- Counts on this report include both capillary and venous blood tests. People who have had multiple tests are counted only once per year.
- Since 10/1/2015, an additional 1,361 people have been tested in Flint.
- Continued testing efforts by Genesee County Health Department, MDHHS and local medical personnel have identified 21 children with blood lead levels greater than or equal to 5µg/dL (micrograms per deciliter) since 10/1/2015.
- Three percent of the children younger than 6 years old tested since 10/1/2015 have had blood lead levels greater than or equal to 5µg/dL.
- Additional testing is ongoing. Counts will vary as new results are added.



Deduplicated by year, retains test during the time period.
*Data for Q4 2015 are incomplete

** Data for Quarter 4 of 2015 are incomplete and subject to change*

	Children younger than 6 Years Old			Children 6 to 17 Years Old		
	Michigan	Genesee County	Flint 48501-48507	Michigan	Genesee County	Flint 48501-48507
Total tested for lead 1/1/2010 to 12/31/2010:	152,608	6,932	3,560	17,963	867	463
Number of test results ≥5µg/dL 1/1/2010 to 12/31/10:	9,509	298	222	907	25	20
Total tested for lead from 1/1/2011 to 12/31/2011:	149,420	6,667	3,093	15,725	1,038	544
Number of test results ≥5µg/dL 1/1/2011 to 12/31/11:	7,392	250	180	651	20	15
Total tested for lead 1/1/2012 to 12/31/2012:	146,142	7,008	3,112	15,460	1,386	630
Number of test results ≥5µg/dL 1/1/2012 to 12/31/12:	6,704	206	127	478	17	12
Total tested for lead 1/1/2013 to 12/31/2013:	145,813	6,986	3,077	13,897	1,241	566
Number of test results ≥5µg/dL 1/1/2013 to 12/31/13:	5,647	156	95	342	9	4
Total tested for lead 1/1/2014 to 12/31/2014:	141,355	6,690	3,045	12,936	913	428
Number of test results ≥5µg/dL 1/1/2014 to 12/31/14:	4,948	178	122	386	6	5
Total tested for lead 1/1/2015 to 11/13/2015:	120,699	5,778	2,704	10,841	1,197	765
Number of test results ≥5µg/dL 1/1/2015 to 11/13/2015:	4,200	149	101	309	10	8
Total tested for lead 10/1/2015 to 11/13/2015:	14,593	957	560	1,412	502	409
Number of test results ≥5µg/dL 10/1/2015 to 11/13/2015:	583	22	15	38	6	6

** Data for Quarter 4 of 2015 are incomplete and subject to change*

	Adults 18 Years and Older			Total Number of People of All Ages Tested		
	Michigan	Genesee County	Flint 48501-48507	Michigan	Genesee County	Flint 48501-48507
Total tested for lead 1/1/2010 to 12/31/2010:	13,853	602	195	184,424	8,401	4,218
Number of test results ≥5µg/dL 1/1/2010 to 12/31/10:	1,462	42	18	11,878	365	260
Total tested for lead 1/1/2011 to 12/31/2011:	13,259	542	139	178,404	8,247	2,726
Number of test results ≥5µg/dL 1/1/2011 to 12/31/11:	1,369	44	16	9,412	314	211
Total tested for lead 1/1/2012 to 12/31/2012:	13,059	556	155	174,661	8,950	3,907
Number of test results ≥5µg/dL 1/1/2012 to 12/31/12:	1,415	33	11	8,597	256	150
Total tested for lead 1/1/2013 to 12/31/2013:	12,199	498	136	171,909	8,725	3,779
Number of test results ≥5µg/dL 1/1/2013 to 12/31/13:	1,499	54	16	7,488	219	115
Total tested for lead 1/1/2014 to 12/31/2014:	12,684	441	112	166,975	8,044	3,585
Number of test results ≥5µg/dL 1/1/2014 to 12/31/14:	1,422	44	12	6,756	228	139
Total tested for lead 1/1/2015 to 11/13/2015:	11,685	860	526	143,225	7,835	3,995
Number of test results ≥5µg/dL 1/1/2015 to 11/13/2015:	1,195	30	15	5,704	204	124
Total tested for lead 10/1/2015 to 11/13/2015:	1,615	483	392	17,620	1,942	1,361
Number of test results ≥5µg/dL 10/1/2015 to 11/13/2015:	160	11	9	781	44	30

** Data for Quarter 4 of 2015 are incomplete and subject to change*

From: Holland, Meegan (GOV)
Sent: Thursday, December 24, 2015 8:08 AM
To: Agen, Jarrod (GOV); Baird, Richard (GOV); Hollins, Harvey (GOV); Walsh, John (GOV); Calley, Brian (GOV); Snyder, Rick (GOV); Clement, Elizabeth (GOV); Scott, Allison (GOV)
Subject: BRIEFING: Auditor General answers on Flint water situation
Attachments: Auditor General Letter - City of Flint Drinking Water (002).pdf

Colleagues:

Here is a summary of answers from the Office of the Auditor General in response to questions mostly posed by Sen. Jim Ananich's office (the auditor added a few questions in the 11-page report). The questions came as the OAG conducts an audit of the Office of Drinking Water and Municipal Assistance's handling of the Flint water crisis.

Conclusions:

While the City Council voted in March 2013 to move to the KWA pipeline, it didn't designate the Flint River as an interim water source. But the DEQ had approved the river as a backup source for emergency purposes in 2006. The treated water met safety standards in quarterly tests by the Flint WTP, but Flint had never tested its effect on the distribution system.

In an email review of key DEQ managers to determine if there was an effort to conceal information, only one email exchange raised red flags. The EPA had asked DEQ in February 2015 if Flint had a corrosion control program; the DEQ responded the city had an optimized program in place. But in April the EPA asked again, and the DEQ said that the Flint Water Treatment Plant (WTP) was not doing corrosion control. DEQ later explained that its first response referred to its program to monitor a new water source (in this case, the Flint river) for lead/copper for two consecutive six-month periods to determine optimal corrosion treatment. The report says there's no reason to believe that DEQ willfully misrepresented information to the EPA. It also concludes that ODWMA employees appeared to have notified management properly about the unfolding Flint water situation.

DEQ did not consult with the EPA on how best to apply the Lead and Copper Rule (LCR) monitoring practices after the switch to Flint water, but from past experience, DEQ believed it was doing so correctly by doing two rounds of six-month monitoring on the new water source before determining optimal corrosion control. The EPA disagreed with DEQ's interpretation of the LCR, but later stated that the LCR was open to interpretation. It then clarified the rule; the upshot: corrosion controls already in place when Flint was on Detroit water should have been maintained after the switch.

DEQ should have notified the Flint WTP to start corrosion controls once the first round of six-month sampling results arrived in late March 2015 and showed the water exceeded acceptable lead levels.

DEQ doesn't oversee the Flint WTP so it doesn't have any accountability measures to ensure the WTP is collecting water samples from tier 1 homes, i.e., residences with lead service lines, soldering or plumbing. Instead, DEQ relies on Flint's certification of sample sites. The auditor suggests DEQ should consider an independent verification of the sampling pool or Flint's certifications. In November 2015, Flint admitted that it had no way to ensure the sites were all tier 1. Water samples came from 175 randomly distributed testing bottles. DEQ has asked Flint to verify its prior samples by this Wednesday (12/30).

There's been controversy that DEQ dropped two sampling sites with high lead levels from its second six-month review. It was appropriate for DEQ to do so because those sites did not meet federal criteria. It was also appropriate for DEQ to require flushing taps the night before sampling to ensure faucets didn't contain overly stagnant water.

Charts show that most water samples were taken in the sixth month of the six-month testing period. The report said it's tough to determine if the lateness of the sampling affects the accuracy.

The report ends with an excellent timeline. I have attached the report in case you want to review the timeline on page 11.

Meegan Holland
Director of Communications for Gov. Rick Snyder
Office: 517-335-6397
[redacted]
Twitter: @meholland

OAG
Office of the Auditor General
Doug A. Ringler, CPA, CIA
Auditor General
201 N. Washington Square, Sixth Floor • Lansing, Michigan 48913 • Phone: (517) 334-8050 • www.audgen.michigan.gov

DRAFT

December 23, 2015

The Honorable Jim Ananich
Senate Minority Leader
State Capitol, Room S-105
Lansing, Michigan

Dear Senator Ananich:

Enclosed are answers to the questions you posed in your October 20, 2015 letter to our office regarding the audit we are conducting of the Office of Drinking Water and Municipal Assistance (ODWMA), Department of Environmental Quality (DEQ), specific to lead contamination in the City of Flint's drinking water. Also enclosed are additional questions we developed that are relevant to these issues, along with five exhibits:

- A map showing Flint water samples by zip code.
- A map showing lead counts of 5 parts per billion or higher.
- Two charts showing the number of samples by time period and zip code.
- A time line of the Flint water review.

We appreciate the opportunity to assist you in answering questions regarding this topic. If you have further questions or a request for other services, please do not hesitate to contact our office.

Sincerely,

Doug Ringler
Auditor General

Enclosures

Q1: How does ODWMA ensure the data it receives is accurate?

A: With regard to the United States Environmental Protection Agency (EPA) Lead and Copper Rule (LCR) monitoring requirements, DEQ relies on the following key controls to ensure the accuracy of test results:

- State-owned laboratories test water samples.
- State-owned laboratories send test results directly to DEQ.
- The City of Flint Water Treatment Plant (Flint WTP) certifies whether sample sites are classified as tier 1*.

The current Flint WTP LCR sampling process includes:

1. DEQ informs the Flint WTP of the required water lead and copper sample size.
2. The Flint WTP determines the pool of tier 1 sites for sampling.
3. The Flint WTP selects the sample.
4. The Flint WTP sends out sample kits and instructions to residents for collecting water samples.
5. Residents leave samples and signed sampling forms outside their front doors.
6. The Flint WTP employee picks up samples and forms from residents.
7. The Flint WTP employee reviews sample forms for completeness.
8. The Flint WTP employee sends samples to the State-owned laboratories.
9. State-owned laboratories test samples and provide results directly to DEQ.
10. DEQ receives water lead and copper sample results, which include the following information: date collected, date received, address where collected, type of residence (e.g., single family or apartment), and sample point (e.g., kitchen sink or bathroom sink).
11. DEQ tracks, and follows up if necessary, the number of samples collected by the Flint WTP to help ensure that the required minimum number of samples are collected by the monitoring period deadline.

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* Single-family or multiple-family residence with lead service line, lead solder copper piping constructed after 1982, or lead plumbing.

12. The Flint WTP submits lead and copper report to DEQ that certifies whether sample sites meet tier 1 criteria.

13. DEQ prepares the LCR 90th percentile calculation report.

During our review, we noted two potential improvements for the Flint WTP sampling process (see Question 5 of the additional questions answered by the OAG regarding tier 1 sample validity):

- DEQ could verify that the sampling pool was limited to only tier 1 sample sites to ensure that the Flint WTP is in compliance with the LCR (Title 40, Part 141, section 86(a)(3) of the *Code of Federal Regulations* [*CFR*]).

- DEQ could independently verify the validity of sample site certifications.

Q2: What accountability measures are in place for ODWMA staff who fail to follow data verification protocols?

A: DEQ does not provide any direct oversight over the Flint WTP and, therefore, does not have any accountability measures over the Flint WTP's LCR data verification protocols. DEQ's data verification protocol for lead and copper water sampling is limited to verification that the WTP certifies samples submitted to the State-owned laboratories for analysis (see steps 7 and 12 in the Flint WTP LCR sampling process noted in Question 1 above). We did not identify any instances in which ODWMA staff failed to verify that submitted samples were certified by the Flint WTP.

Q3: What accountability measures are in place for ODWMA staff who lie or misrepresent information to the EPA?

A: As with all classified employees, ODWMA staff must adhere to the rules and regulations established by the Michigan Civil Service Commission. If any ODWMA staff were determined to misrepresent information to the EPA, they would be subject to Civil Service Rule 2-6, Discipline, which allows an appointing authority to discipline an employee for just cause up to and including dismissal. We are not aware of any DEQ-established measures that are in addition to the Civil Service Rules.

We gained access to the e-mail accounts of key DEQ management (DEQ Director, Deputy Director, ODWMA Chief, and other key ODWMA staff) extending back to January 1, 2013. We did so to identify the key decision points and conversations that occurred leading up to and through the situation in Flint. Our review was also intended to determine whether State, Flint, or other officials attempted to conceal key test results or other information.

We noted one e-mail exchange between DEQ and the EPA that appears to be a significant contributor to the concern that DEQ misrepresented information to the EPA. The EPA requested clarification on February 26, 2015 regarding the type of optimized corrosion control **treatment** the Flint WTP was using. DEQ responded on February 27, 2015 that the city had an optimized corrosion control **program** in place, but DEQ did not provide any program details. DEQ informed us that the Flint WTP corrosion control **program** included performing

lead and copper monitoring for two consecutive six-month periods to determine whether corrosion control **treatment** would be necessary in the future. However, it appears the EPA interpreted corrosion control **program** to mean that corrosion control **treatment** was being performed.

On April 23, 2015, the EPA again inquired as to what the Flint WTP was doing for corrosion control **treatment**. DEQ responded on April 24, 2015 that the Flint WTP was not practicing corrosion control **treatment**.

Based on our review of this and other e-mails, we have no specific reason to believe that DEQ willfully misrepresented the information to the EPA.

Q4: What policies do DEQ and ODWMA have in place to escalate major infractions up the chain of command?

A: We did not note any instances of major infractions (i.e., intentional disregard of policies, laws, regulations or specific directions) committed by DEQ staff during the course of our review. DEQ does not have a formal policy or procedure in place to escalate major infractions performed by ODWMA employees; however, our review of DEQ correspondence confirmed the escalation of key issues up the chain of command related to the Flint situation. DEQ stated that its informal policy is for staff to notify the proper level of management of infractions to determine necessary action.

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Application of the LCR

Q1: How did the Flint WTP become the primary water supplier for the City of Flint?

A: Upon notification of the City of Flint's plans to switch to the Karegnondi Water Authority (KWA) in April 2013, the Detroit Water and Sewerage Department (DWSD) submitted a letter to the City of Flint stating that it would terminate its agreement to provide water services on April 17, 2014.

According to DEQ management, the Flint WTP attempted to negotiate with the DWSD to maintain it as the City of Flint water supplier; however, after negotiations were unsuccessful, the City of Flint notified DEQ through a permit request of its intent to operate the Flint WTP full time using the Flint River. Although the Flint City Council voted in March 2013 in support of moving to the KWA pipeline, the vote was silent on the use of the Flint River as a temporary drinking water source.

The Flint River was approved by DEQ in 2006 as a backup source of water for emergency purposes prior to the switch from the DWSD WTP to the Flint WTP. On a quarterly basis, the Flint WTP tested the treated Flint River water at the Flint WTP, which met water quality standards; however, the Flint WTP did not test the water's effect on the distribution system at consumer tap locations.

Q2. Did DEQ consult with the EPA prior to determining how to apply the LCR?

A: DEQ did not consult with the EPA on how to apply the LCR prior to implementing two consecutive six-month monitoring periods of the Flint WTP beginning July 1, 2014. Based on past experiences applying the LCR monitoring requirements, DEQ believed that it had appropriately applied the LCR requirements of a large water system.

Q3: When Flint switched to the Flint River water source, should corrosion control treatment have been maintained?

A: We believe that corrosion control treatment should have been maintained.

According to the LCR, a water system can achieve optimized corrosion control if it submits results of tap water monitoring for two consecutive six-month monitoring periods with acceptable lead levels. However, a water system that has optimized corrosion control, and which has treatment in place, should continue to operate and maintain optimal corrosion control treatment.

DEQ staff explained that they did not treat the switch to Flint River water as a new system, but as a new source. DEQ further stated that because the Flint River was a new water source and there was a change in chemicals needed to treat the new source, a corrosion control study was needed to determine the impact on the water distribution system. Therefore, it was DEQ's interpretation that two rounds of six-month monitoring were still needed to evaluate the water quality and determine optimal corrosion control treatment.

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The Flint water system had optimal corrosion control treatment when the DWSD WTP was the water supplier. Based on our review of notes from a July 21, 2015 EPA and DEQ conference call on DEQ's implementation of the LCR regarding whether the Flint WTP should have continued to maintain corrosion control treatment, it appeared that the EPA did not agree with DEQ's interpretation of the LCR. Region 5 EPA staff explained that they would talk to the EPA headquarters about the interpretation of regulations and believes that systems that have been deemed optimized need to "maintain" corrosion control. The Region agreed to provide supporting regulatory citations for the language about maintaining corrosion control.

On November 3, 2015, the EPA issued a memorandum stating that the LCR had differing possible interpretations; however, the EPA concluded that it is important for large water systems to take the steps necessary to ensure that appropriate corrosion control treatment is maintained at all times, thus ensuring that public health is protected. Based on this clarification, it appears that corrosion control treatment should have been maintained.

Q4: Should DEQ have required the Flint WTP to start pursuing optimized corrosion control treatment after the first round of six-month sampling results were above the lead action level of 5 parts per billion (ppb)?

A: Yes. According to DEQ's application of the LCR, within six months after the end of the monitoring period in which the water sample results exceeded the acceptable lead level, DEQ should have required the Flint WTP to start pursuing optimized corrosion control treatment.

The LCR states that the lead action level is exceeded if the lead level, as determined by the 90th percentile calculation, is greater than 15 ppb. If the lead action level is exceeded, water systems are required to take additional actions including educating the public about lead in drinking water as well as commencing lead service line replacement if the water system has already installed corrosion control and/or source water treatment. However, for water systems that have not yet implemented corrosion control treatment, they can be deemed to have optimized corrosion control without installing treatment if they can demonstrate lead levels below 5 ppb for two consecutive six-month periods.

The first round of six-month sampling results was received in late March 2015. Because the results were 1 ppb over the lead action level of 5 ppb, DEQ would not be able to achieve two consecutive six-month periods below 5 ppb. Therefore, DEQ should have notified the Flint WTP to start pursuing optimized corrosion control treatment. However, DEQ waited until the second round of sampling was completed (June 30, 2015) to assess whether water sample results improved.

Water Samples

Q5: Did DEQ verify that only tier 1 sample sites were selected by the Flint WTP in the two rounds of six-month samples?

A: DEQ did not verify that only tier 1 sample sites were selected. DEQ relies on the Flint WTP's certification of sample sites and does not perform any independent verification of those certifications.

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In a November 19, 2015 *Flint Journal* article, the Flint WTP indicated that it did not have the ability to ensure that all sites were tier 1. In fact, water samples came from the random distribution of 175 testing bottles without regard for whether the homes were at risk for high lead levels. DEQ issued a formal memorandum on November 9, 2015 requesting that the Flint WTP verify the classification of all prior sample items. The results are due back from the Flint WTP on December 30, 2015.

Q6: DEQ dropped two water sampling sites from its second six-month sample (January 1, 2015 through June 30, 2015). Was this appropriate?

A: Yes, it was appropriate for DEQ to drop these two water sampling sites. Federal regulation 40 *CFR* 141.86(a) states:

> ". . . each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section . . . All sites from which first draw samples are collected shall be selected from this pool . . . Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants."

This regulation also requires that a water system's targeted sampling pool consist of only tier 1 sampling sites if an adequate number is available to meet monitoring requirements.

According to federal regulation 40 *CFR* 141.86(f), the State may invalidate a water sample if it determines that the sample was taken from a site that did not meet the site selection criteria. A sample invalidated per this regulation does not count toward determining lead or copper 90th percentile levels or toward meeting the minimum monitoring requirements.

DEQ dropped one water sample site from its 90th percentile calculations because the site was from a business that does not meet the tier 1 requirements of being a single-family or multiple-family residence. The second sample site was dropped because the home had a point-of-entry treatment device to filter contaminants. Based on the criteria specified above, it appears that DEQ's rationale for dropping the samples from these two sites appropriately met the requirements for invalidating samples per federal regulation 40 *CFR* 141.86.

Q7: Was flushing of the taps the night before drawing a sample an appropriate sample methodology?

A: Yes. The LCR requires that samples be a first draw of water after six hours of stagnation. The LCR does not indicate whether or not the water line should be flushed prior to collecting the sample. In the sample instructions, DEQ required preflushing to ensure that sampled faucets were not stagnant for an excessive period of time beyond the targeted six hours (e.g., rarely used faucets or when a homeowner has been gone for an extended period of time.)

The LCR requires six hours of stagnation; however, it does not preclude DEQ from instructing residents to flush prior to stagnation.

Flint WTP 2014 and 2015 Sample Locations (Exhibit #1)

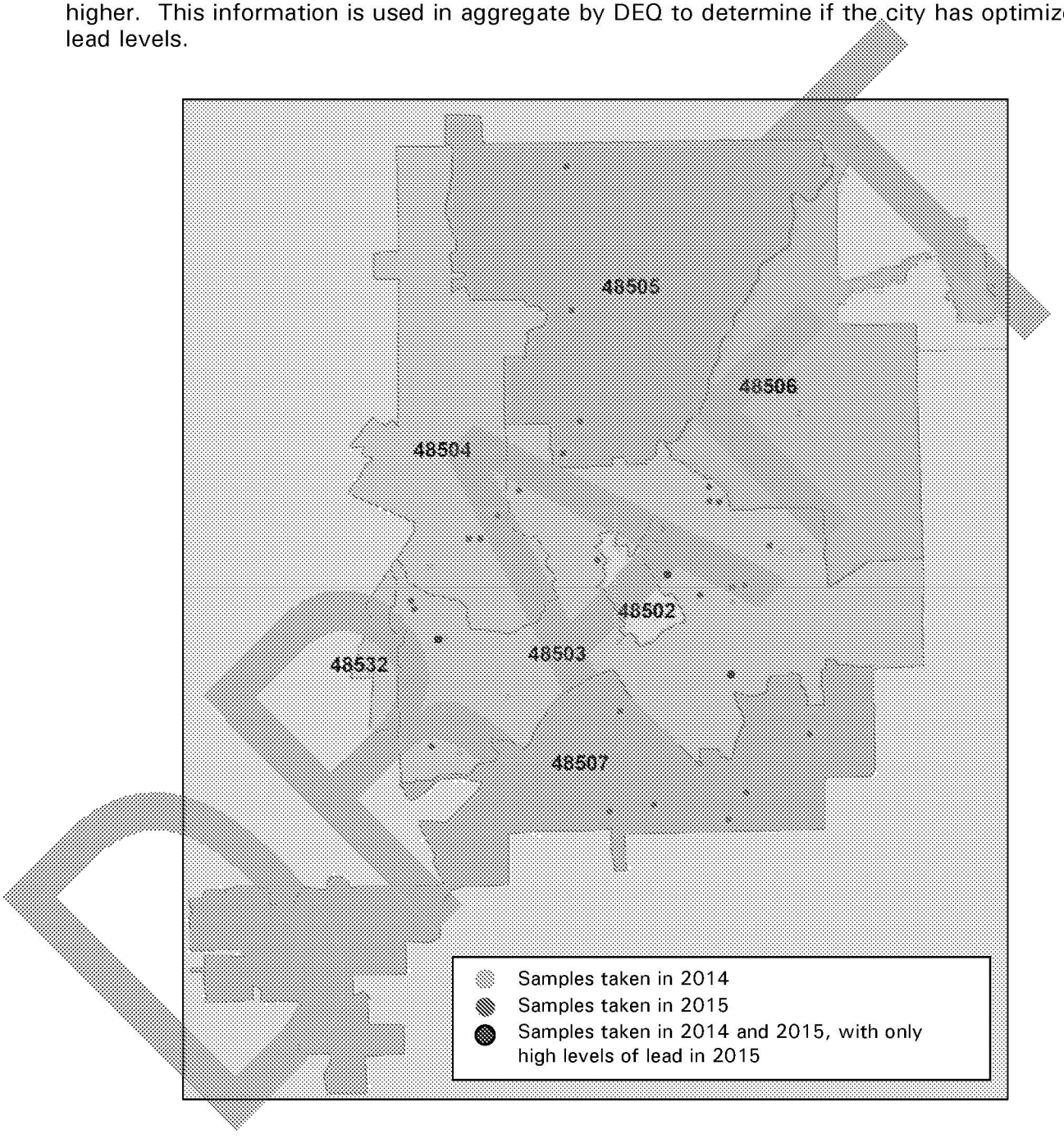
In calendar year 1992, the Flint WTP established a tier 1 sample site pool for LCR monitoring. With the change to the Flint River water, the Flint WTP needed to increase the pool of sample locations because of additional sampling requirements. The following exhibit documents the 2014 and 2015 sample locations for LCR monitoring. Based on the data obtained during our review, we could not determine how the locations were selected or whether they were properly classified as tier 1 sample sites.

As noted in Question 5 of the additional questions answered by the OAG, DEQ has requested the Flint WTP to verify the tier 1 classification of all prior sample items.

Source: The OAG prepared this map using data obtained from DEQ and ©OpenStreetMap contributors (opendatacommons.org). The sample locations are approximate.

Flint WTP 2014 and 2015 Sample Locations With Lead Counts of 5 Parts Per Billion or Higher (Exhibit #2)

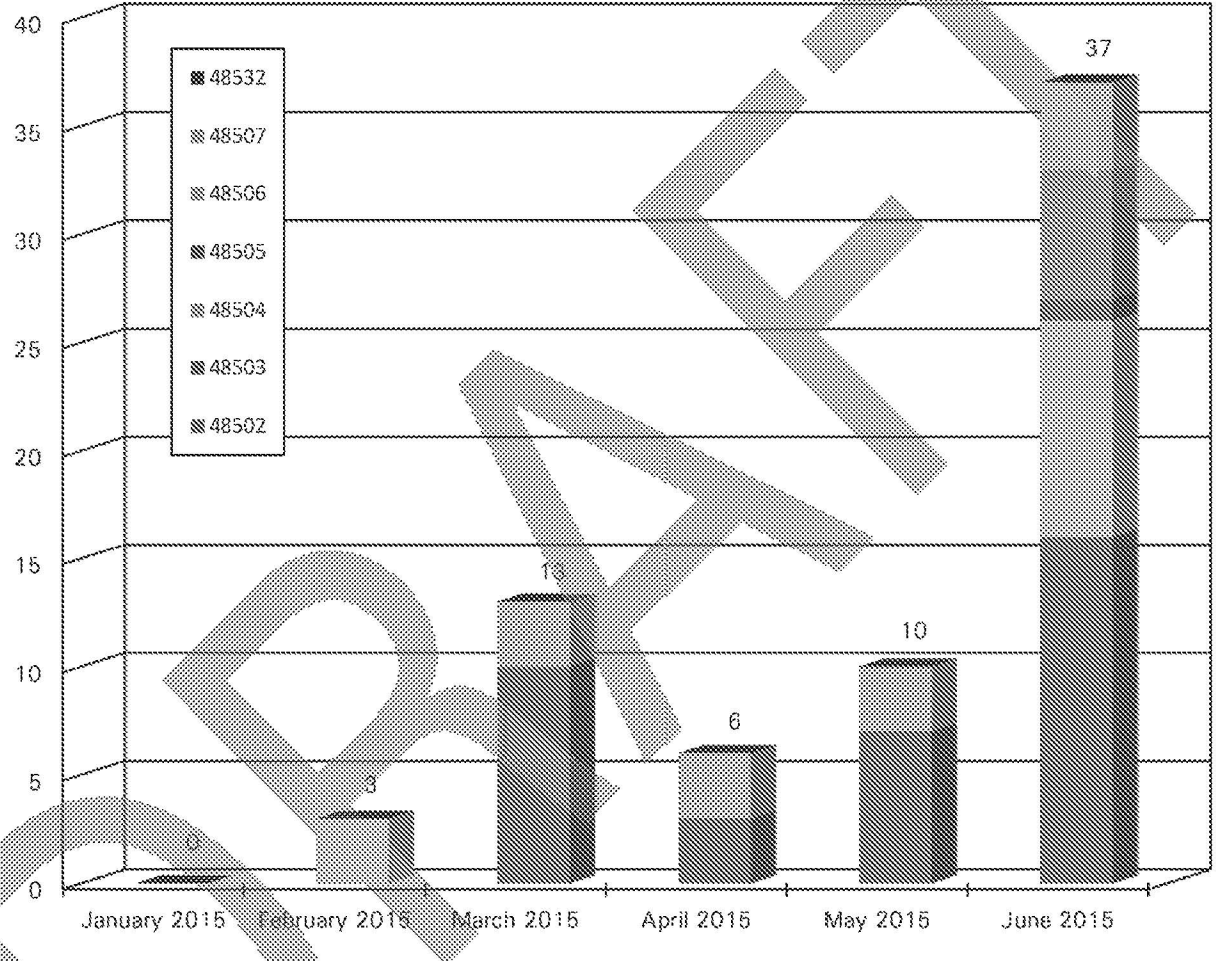
This exhibit documents the 2014 and 2015 sample locations with lead counts of 5 ppb or higher. This information is used in aggregate by DEQ to determine if the city has optimized lead levels.



Source: The OAG prepared this map using data obtained from DEQ and ©OpenStreetMap contributors (opendatacommons.org). The sample locations are approximate.

Flint WTP 2015 Number of Samples by Time Period and Zip Code (Exhibit #3)

This chart expands on Exhibit #1 to show a summary by zip code and time of selection within the sampling period. Based on the data obtained during our review, we could not determine if the lateness of selection within the monitoring period affected the appropriateness of the sample items.

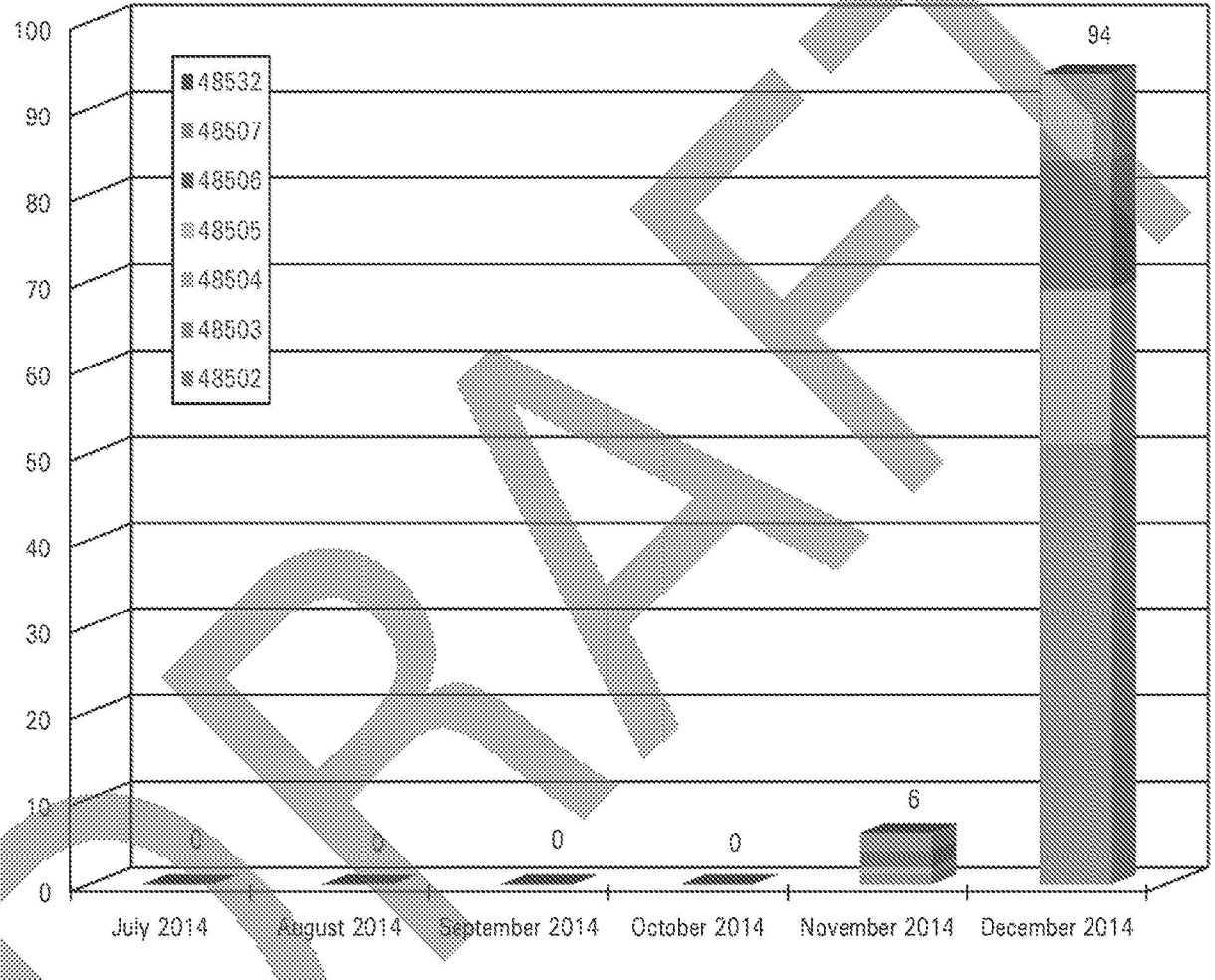


Source: The OAG prepared this chart using data obtained from DEQ.

DRAFT

Flint WTP 2014 Number of Samples by Time Period and Zip Code (Exhibit #4)

This chart expands on Exhibit #1 to show a summary by zip code and time of selection within the sampling period. Based on the data obtained during our review, we could not determine if the lateness of selection within the monitoring period affected the appropriateness of the sample items.



DRAFT

Source: The OAG prepared this chart using data obtained from DEQ.

March 2013
Flint City Council voted 7-1 to join Karegnondi Water Authority (KWA).

April 16, 2013
City of Flint emergency manager Ed Kurtz signs agreement to switch from Detroit Water and Sewerage Department (DWSD) water source to KWA.

April 17, 2013
DWSD said it will stop selling water to the City of Flint in April 2014.

July 2014
DEQ begins the first six-month Flint lead/copper monitoring period.

Mid-March 2014
City of Flint decides to use the Flint River as a water source.

April 25, 2014
City of Flint switches to Flint River water.

January 1, 2015
DEQ begins the second six-month Flint lead/copper monitoring period.

January 12, 2015
DWSD offers the City of Flint a waiver of the $4 million reconnection fee to switch back to Detroit water.

January 29, 2015
City of Flint emergency manager Jerry Ambrose declines DWSD water source reconnection.

February 3, 2015
Governor Snyder awards the City of Flint $2 million to find leaks and replace wastewater incinerator.

February 26, 2015
The EPA discusses a resident's water sample testing results with DEQ (high levels of lead found in water).

February 27, 2015
DEQ responded to the EPA saying that the Flint WTP has an optimized corrosion control program.

March 30, 2015
DEQ notifies the Flint WTP of the first six-month lead/copper monitoring period.

April 24, 2015
DEQ indicates no corrosion control (orthophosphate) chemical in place (treatment).

May 28, 2015
Sample results from the residence noted with high levels on February 26, 2015 show lead levels look good after a new copper service line installation.

July 21, 2015
The EPA and DEQ hold conference call on DEQ's implementation of the Lead and Copper Rule (LCR) and Flint issues.

August 17, 2015
DEQ notifies the Flint WTP of the second six-month lead/copper monitoring results.

August 23, 2015
Virginia Tech researcher notifies DEQ that he will begin a study of the City of Flint water quality.

September 2, 2015
Virginia Tech researcher claims that the corrosiveness of the Flint water is causing lead to leach into residents' water.

September 24, 2015
Hurley Medical Center study issued showing high blood lead levels in City of Flint children.

October 1, 2015
- Michigan Department of Health and Human Services confirms results of Hurley Medical Center study.
- City of Flint urges residents to not drink water.

October 8, 2015
City of Flint develops plan to reconnect to DWSD.

October 16, 2015
City of Flint reconnects to DWSD.

October 19, 2015
DEQ Director Dan Wyant states: ". . . staff made a mistake while working with the city of Flint. Simply stated, staff employed a federal [corrosion control] protocol they believed was appropriate, and it was not."

November 3, 2015
The EPA indicates differing possible interpretations of the LCR with respect to how the LCR's optimal corrosion control treatment procedures apply to this situation (new water source/new water treatment).

2013 | 2014 | 2015

DRAFT

Source: The OAG prepared this time line using data (e-mails, meeting notes, and letters) obtained from DEQ, newspaper and press release articles, the Flintwaterstudy.org, and the Hurley Medical Center survey results.

From: Calley, Brian (GOV)
Sent: Thursday, December 24, 2015 8:36 AM
To: Holland, Meegan (GOV)
Cc: Agen, Jarrod (GOV); Baird, Richard (GOV); Hollins, Harvey (GOV); Walsh, John (GOV); Snyder, Rick (GOV); Clement, Elizabeth (GOV); Scott, Allison (GOV)
Subject: Re: BRIEFING: Auditor General answers on Flint water situation

Great summary. Thank you.

Is this on publicly released yet?

On Dec 24, 2015, at 8:07 AM, Holland, Meegan (GOV) <HollandM2@michigan.gov> wrote:

> Colleagues:
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> Here is a summary of answers from the Office of the Auditor General in response to questions mostly posed by Sen. Jim Ananich's office (the auditor added a few questions in the 11-page report). The questions came as the OAG conducts an audit of the Office of Drinking Water and Municipal Assistance's handling of the Flint water crisis.
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There's been controversy that DEQ dropped two sampling sites with high lead levels from its second six-month review. It was appropriate for DEQ to do so because those sites did not meet federal criteria. It was also appropriate for DEQ to require flushing taps the night before sampling to ensure faucets didn't contain overly stagnant water.

Charts show that most water samples were taken in the sixth month of the six-month testing period. The report said it's tough to determine if the lateness of the sampling affects the accuracy.

The report ends with an excellent timeline. I have attached the report in case you want to review the timeline on page 11.

Meegan Holland
Director of Communications for Gov. Rick Snyder
Office: 517-335-6397
[redacted]
Twitter: @meholland

<Auditor General Letter - City of Flint Drinking Water (002).pdf>

From: Holland, Meegan (GOV)
Sent: Thursday, December 24, 2015 8:39 AM
To: Calley, Brian (GOV)
Cc: Agen, Jarrod (GOV); Baird, Richard (GOV); Hollins, Harvey (GOV); Walsh, John (GOV); Snyder, Rick (GOV); Clement, Elizabeth (GOV); Scott, Allison (GOV)
Subject: RE: BRIEFING: Auditor General answers on Flint water situation

It was provided to Sen. Ananich at close of business day yesterday. We're waiting to see what Sen. Ananich does with the letter. I don't know if the Auditor General will actually release it, since it was a response to Sen. Ananich's questions.

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Meegan

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<Auditor General Letter - City of Flint Drinking Water (002).pdf>

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Sent: Thursday, December 24, 2015 9:02 AM
To: Holland, Meegan (GOV)
Cc: Agen, Jarrod (GOV); Baird, Richard (GOV); Hollins, Harvey (GOV); Walsh, John (GOV); Snyder, Rick (GOV); Clement, Elizabeth (GOV); Scott, Allison (GOV)
Subject: Re: BRIEFING: Auditor General answers on Flint water situation

We should ask that it be released soon. It's hard to explain why it would not be made public just as other actions from the Auditor are.

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DEQ should have notified the Flint WTP to start corrosion controls once the first round of six-month sampling results arrived in late March 2015 and showed the water exceeded acceptable lead levels.

DEQ doesn't oversee the Flint WTP so it doesn't have any accountability measures to ensure the WTP is collecting water samples from tier 1 homes, i.e., residences with lead service lines, soldering or plumbing. Instead, DEQ relies on Flint's certification of sample sites. The auditor suggests DEQ should consider an independent verification of the sampling pool or Flint's certifications. In November 2015, Flint admitted that it had no way to ensure the sites were all tier 1. Water samples came from 175 randomly distributed testing bottles. DEQ has asked Flint to verify its prior samples by this Wednesday (12/30).

There's been controversy that DEQ dropped two sampling sites with high lead levels from its second six-month review. It was appropriate for DEQ to do so because those sites did not meet federal criteria. It was also appropriate for DEQ to require flushing taps the night before sampling to ensure faucets didn't contain overly stagnant water.

Charts show that most water samples were taken in the sixth month of the six-month testing period. The report said it's tough to determine if the lateness of the sampling affects the accuracy.

The report ends with an excellent timeline. I have attached the report in case you want to review the timeline on page 11.

Meegan Holland
Director of Communications for Gov. Rick Snyder
Office: 517-335-6397
[redacted]
Twitter: @meholland

<Auditor General Letter - City of Flint Drinking Water (002).pdf>

From: Baird, Richard (GOV)
Sent: Thursday, December 24, 2015 9:53 AM
To: Holland, Meegan (GOV)
Cc: Hollins, Harvey (GOV); Posthumus, Dick (GOV); Redford, James (GOV); Walsh, John (GOV); Clement, Elizabeth (GOV); Calley, Brian (GOV); Agen, Jarrod (GOV)
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Thanks,

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Sent: Thursday, December 24, 2015 10:06 AM
To: Baird, Richard (GOV)
Cc: Holland, Meegan (GOV); Hollins, Harvey (GOV); Posthumus, Dick (GOV); Redford, James (GOV); Walsh, John (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV)
Subject: Re: Please provide feedback: Governor's statement on Flint water crisis

I totally agree with going so far as to specifically apologize. I also like Rich's suggestions. The statement should convey three main points: 1) very sorry with no excuses 2) open and transparent 3) urgency in action steps going forward.

I think this statement accomplishes those goals.

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Subject: RE: Please provide feedback: Governor's statement on Flint water crisis

Hi Meegan, I hope you are enjoying the holidays in between your first few weeks on the job.

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From: Holland, Meegan (GOV)
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To: Walsh, John (GOV)
Subject: RE: Please provide feedback: Governor's statement on Flint water crisis

I hear you, John. The auditor letter to Jim Ananich makes some of your points clearly, but I'm not sure the media is all that interested in pointing the finger at city and county officials. And if we point the finger, we look petty. So we'll take the high road and responsibility for our share of the problem.

Thanks for your thoughts … I'm in the office as well.

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> "I'd like to thank the task force for keeping me apprised of their continuing investigation. As they uncover more facts, it's clear to me we can do better. The report may take another month or so, but if we need to make changes more swiftly, I plan to take immediate action.
>
> "The bottom line is we'll take responsibility for our part in Flint's water crisis. I'm committed to partnering with all of the stakeholders who are as concerned about public health as I am. I vow to make sure that Flint citizens will have safe drinking water. And I'm so very sorry that this happened.
>
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>
> "What happened in Flint is inexcusable. I want to assure residents there that we will work hard to make things right."
>
> Thank you,
> Meegan
>
> Meegan Holland
> Director of Communications for Gov. Rick Snyder
> Office: 517-335-6397
> [redacted]
> Twitter: @meholland

From: Holland, Meegan (GOV)
Sent: Monday, December 28, 2015 2:09 PM
To: Calley, Brian (GOV); Snyder, Rick (GOV); Walsh, John (GOV); Redford, James (GOV); Agen, Jarrod (GOV); Baird, Richard (GOV); Hollins, Harvey (GOV); Posthumus, Dick (GOV); Clement, Elizabeth (GOV); Scott, Allison (GOV)
Subject: Update on OAG letter and our statement

Colleagues,

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"I want to assure residents there that we will work hard to make things right."

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Office: 517-335-6397
[redacted]
Twitter: @meholland

From: Agen, Jarrod (GOV)
Sent: Monday, December 28, 2015 2:19 PM
To: Holland, Meegan (GOV)
Cc: Calley, Brian (GOV); Walsh, John (GOV); Redford, James (GOV); Baird, Richard (GOV); Hollins, Harvey (GOV); Posthumus, Dick (GOV); Clement, Elizabeth (GOV); Scott, Allison (GOV)
Subject: Re: Update on OAG letter and our statement

FYI. I removed the G...

I might add a line towards the end referencing that this is "only one step in our corrective actions, we fully expect to take more actions following the recommendations of our independent task force"....something like that.

I think it helps against the "sorry's aren't enough" argument and sets the stage for further action down the road.

On Dec 28, 2015, at 2:09 PM, Holland, Meegan (GOV) <HollandM2@michigan.gov> wrote:

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>
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Meegan Holland
Director of Communications for Gov. Rick Snyder
Office: 517-335-6397
[redacted]
Twitter: @meholland

From: Hollins, Harvey (GOV)
Sent: Monday, December 28, 2015 4:07 PM
To: Holland, Meegan (GOV); Calley, Brian (GOV); Snyder, Rick (GOV); Walsh, John (GOV); Redford, James (GOV); Agen, Jarrod (GOV); Baird, Richard (GOV); Posthumus, Dick (GOV); Clement, Elizabeth (GOV); Scott, Allison (GOV)
Subject: RE: Update on OAG letter and our statement
Attachments: 20151228_OAG Response.docx

Meegan—attached are a couple edits to the statement.

From: Holland, Meegan (GOV)
Sent: Monday, December 28, 2015 2:09 PM
To: Calley, Brian (GOV) <[redacted]>; Snyder, Rick (GOV) <[redacted]; Walsh, John (GOV) <WalshJ@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Scott, Allison (GOV) <scotta12@michigan.gov>
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"I want to assure residents there that we are working~~will work~~ hard to ~~make things right~~resolve this crisis."

From: Walsh, John (GOV)
Sent: Tuesday, December 29, 2015 12:36 PM
To: Holland, Meegan (GOV); Agen, Jarrod (GOV); Clement, Elizabeth (GOV)
Subject: Fwd: Update on OAG letter and our statement

So as not to clog the email waves, just checking in with you 3 - statement looks good. I could be a two handed lawyer and argue both ways as to release - but in this case I am personally comfortable with a quicker release.

BTW - our van is packed and the Walsh Detroit to Dallas or Bust trip is about to begin! Will be reachable by phone, and will check emails when I am not driving.

Go State!

Sent from my iPad

Begin forwarded message:

> **From:** "Hollins, Harvey (GOV)" <hollinsh@michigan.gov>
> **Date:** December 28, 2015 at 4:06:35 PM EST
> **To:** "Holland, Meegan (GOV)" <HollandM2@michigan.gov>, "Calley, Brian (GOV)" [redacted], "Snyder, Rick (GOV)" <[redacted], "Walsh, John (GOV)" <WalshJ@michigan.gov>, "Redford, James (GOV)" <RedfordJ@michigan.gov>, "Agen, Jarrod (GOV)" <AgenJ@michigan.gov>, "Baird, Richard (GOV)" <bairdr@michigan.gov>, "Posthumus, Dick (GOV)" <Posthumusd@michigan.gov>, "Clement, Elizabeth (GOV)" <clemente@michigan.gov>, "Scott, Allison (GOV)" <scotta12@michigan.gov>
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>
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> **From:** Holland, Meegan (GOV)
> **Sent:** Monday, December 28, 2015 2:09 PM
> **To:** Calley, Brian (GOV)[redacted]; Snyder, Rick (GOV) <[redacted]>; Walsh, John (GOV) <WalshJ@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Scott, Allison (GOV) <scotta12@michigan.gov>
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Director of Communications for Gov. Rick Snyder
Office: 517-335-6397
[redacted]
Twitter: @meholland

<20151228_OAG Response.docx>

From: Holland, Meegan (GOV)
Sent: Tuesday, December 29, 2015 1:21 PM
To: Posthumus, Dick (GOV); Walsh, John (GOV); Baird, Richard (GOV); Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Scott, Allison (GOV); Hollins, Harvey (GOV); Calley, Brian (GOV); Redford, James (GOV)
Subject: Flint water statement

Here is a statement from the Governor that will go out around 2-2:30 p.m. to the media. We'll also give a heads up to executive staffers and some others. - Meegan

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When I became aware that the city of Flint's water showed elevated lead levels and that the state's handling of the situation was being questioned, I requested funding to switch the source back to the Great Lakes Water Authority and appointed an independent task force to identify possible missteps and areas for improvement.

The task force has done an exceptional job, reviewing stacks of documents and interviewing scores of Flint, Genesee County, state and federal officials.

Although the task force's final report is not yet completed, it has made me aware of some interim findings and corrective steps that I have decided to take immediately in order to restore trust in how the state keeps its citizens safe and informed.

We'll continue to work with the community members to make sure we hear and respond to their concerns.

In addition, MDEQ Director Dan Wyant has offered his resignation, and I've determined that it's appropriate to accept it. I'm also making other personnel changes at MDEQ to address problems cited by the task force.

But changes in leadership and staff are not enough. I understand there can be disagreements within the scientific community. That is why I have directed both the departments of Environmental Quality and Health and Human Services to invite every external scientist who has worked on this issue to be our partners in helping us improve Flint water. Let's share research on water and blood lead level testing so we can arrive at accurate and mutually supported conclusions. Together, we should work to affirm that we're using the very best testing protocols to ensure Flint residents have safe drinking water and that we're taking steps to protect their health over the short and long term.

I want the Flint community to know how very sorry I am that this has happened. And I want all Michigan citizens to know that we will learn from this experience, because Flint is not the only city that has an aging infrastructure.

I know many Flint citizens are angry and want more than an apology. That's why I'm taking the actions today to ensure a culture of openness and trust. We've already allocated $10 million to test the water, distribute water filters, and help in other ways. Last week, I called Flint Mayor Karen Weaver, and we're going to meet soon to discuss other ways the state can offer assistance.

These are only initial steps - we fully expect to take more actions following the recommendations of our task force. When it comes to matters of health and quality of life, we're committed to doing everything we can to protect the well-being of our citizens.

Meegan Holland
Director of Communications for Gov. Rick Snyder

Office: 517-335-6397
[redacted]
Twitter: @meholland

From: Biehl, Laura (GOV)
Sent: Tuesday, January 05, 2016 3:50 PM
To: [redacted]; Forstner, Nathaniel (GOV); Scott, Allison (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Baird, Richard (GOV); Emmitt, Beth (GOV); Mcbride, Bill (GOV); Hollins, Harvey (GOV); Posthumus, Dick (GOV); Redford, James (GOV); Walsh, John (GOV)
Cc: Murray, David (GOV); Holland, Meegan (GOV)
Subject: FYI- Release going shortly re: Flint Emergency Declaration

Good afternoon,

Just wanted you all to know that we're issuing the following press release shortly regarding the Governor declaring an emergency in Genesee County and activating the State Emergency Operations Center. The declaration will be attached with it.

Thanks!

Gov. Snyder declares emergency for Genesee County

State Emergency Operations Center activated to assist with relief efforts

LANSING, Mich. – Gov. Rick Snyder today declared a state of emergency for Genesee County due to the ongoing health and safety issues caused by lead in the city of Flint's drinking water.

By declaring a state of emergency, Snyder has made available all state resources in cooperation with local response and recovery operations. The declaration authorizes the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) to coordinate state efforts.

"The health and welfare of Flint residents is a top priority and we're committed to a coordinated approach with resources from state agencies to address all aspects of this situation," Snyder said. "Working in full partnership with the Flint Water Advisory Task Force, all levels of government and water quality experts, we will find both short-term and long-term solutions to ensure the health and safety of Flint residents."

In addition to the emergency declaration, Snyder activated the State Emergency Operations Center to coordinate state response and recovery activities. State agencies will report to the center to coordinate resources, assess the situation and begin providing assets to assist with local relief operations.

"Our staff recognizes the urgency of this situation and is already working closely with local officials," said Capt. Chris A. Kelenske, Deputy State Director of Emergency Management and Homeland Security and commander of the MSP/EMHSD. "We will continue to collaborate with state, city and county leaders to coordinate relief efforts, streamline communication and use all available resources to help residents."

On Jan. 4, Genesee County declared a "local state of emergency," which activated local emergency response and recovery plans. By requesting a governor's declaration, the county has determined local resources are insufficient to address the situation and state assistance is

required to protect public health, safety and property to lessen or avert the threat of a crisis.

The city of Flint has been under a local emergency declaration since Dec. 14, 2015.

The SEOC is the emergency operations center for the state of Michigan. Located in Lansing, the center is overseen by the MSP/EMHSD and coordinates response and recovery efforts by state agencies and local government. The SEOC is staffed by members of state agencies and other partners for decision making and information coordination during disasters or emergencies in the state of Michigan.

###

Laura Biehl
Deputy Press Secretary
Executive Office of Michigan Gov. Rick Snyder
George W. Romney Building
111 S. Capitol Ave.
Lansing, MI 48933
[redacted]
BiehlL@Michigan.gov

From: Snyder, Rick (GOV)
Sent: Tuesday, October 06, 2015 9:12 AM
To: Stoken, Laura (GOV)
Subject: FW: Solution for Flint Lead in water contamination; Cyto detox drop information; Strategy to help repair the human damage
Attachments: A Message to Moms.pdf; Addressing the Spectrum.pdf; Blood Sugar Issues.pdf; Cause or Symptom_.pdf; Ending the Zeo-Wars.pdf; Environmentalism.pdf; HCF Detoxification Protocol Overview.pdf; I Can't Get Cancer.pdf; PastedGraphic-2.pdf; Zeolite Detoxification.pdf; Zeolite Product Comparison.pdf

From: [redacted]
Sent: Monday, October 05, 2015 2:54 PM
To: Snyder, Rick (GOV) <[redacted]
Subject: Solution for Flint Lead in water contamination; Cyto detox drop information; Strategy to help repair the human damage

Dear Governor Snyder:

I heard the news article about the increased lead in children in some areas of Flint after the city switched water suppliers. This is simply advanced technology that was used by the Romans to purify their water adapted to work inside the body.

This is the product that is going to be available soon that I told you about that guy in East Texas was using that his strength increased 30% after 10 days. He is the guy whose ex-wife tried to kill him with arsenic. After 3 weeks on the product, he is now saying that maybe he should stop taking it because he does not know what to do with all the energy that he now has.

Sincerely

[redacted]

Clayton Thomas
December 9, 2014

A Message to Moms

For those who are and who want to be

Want a Healthy Baby?

Your Baby's Life Depends on Your Environment

What mother would ever ask to have a child who is born without all of its faculties or 100% of the gift of life they were dreaming of bringing into this world. If this is so then why is it that rates of SIDS, birth defects, cancer, ADD, ADHD, Autism, Asperger's and other "issues" have become so prevalent today? This all starts with Mom. Ladies you are the initial cause of your child's health issues.

Your Mom and Dad always said they hoped you have a child that was just like you. You did, unfortunately you give your baby all of the good in your genes as well as much of the bad that is stored in your body.

Toxins and chemicals that are stored in fat and other tissues in your body are pushed across the placenta into your fetus from day one of conception. It is through this process that the game of chance begins. It is Survivor the real game as your baby is tested as to whether it can develop in the toxic soup you create for it. If this environment is too much to bear, you miscarry. Some women aren't even able to conceive because of being so toxic.

Maybe you've miscarried once, twice, four, eight times or more before you were able to have a child. This process is your body's natural attempt to create a better environment for you to survive. Unfortunately it has terrible consequences on your mental well being.

This isn't your fault. We are all toxic! We've become more toxic over generations due to this process of toxins being passed maternally down thru generations in addition to our persistent environmental exposure once we are in the world. The EWG (Environmental Working Group)

continues studies where they find over 287 different chemicals in the cord blood of infants. Add this with our other environmental factors we deal with today and it is easy to understand why we are a population dealing with pandemics of mental health issues and health issues relating to toxicity.

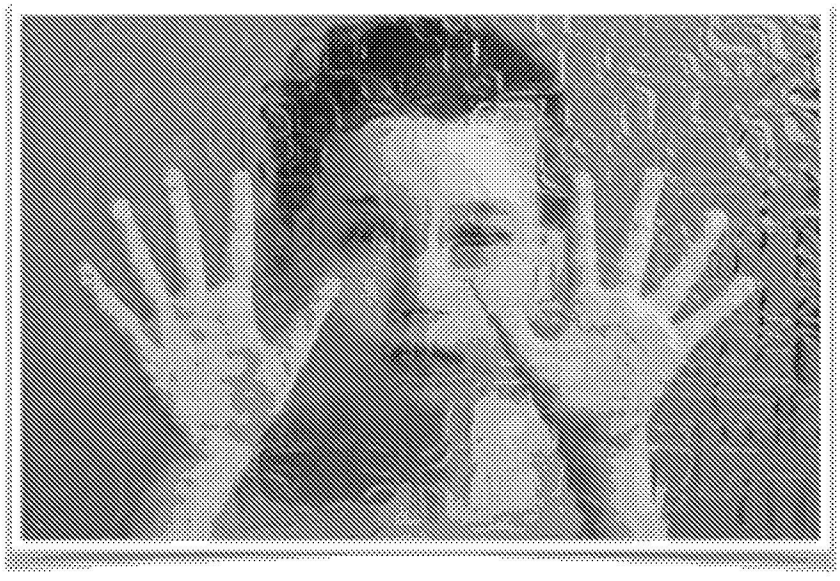
So the question is, do you want healthy kids? Whether they are already born, being carried currently or planned to be conceived; you have to get these killer toxins out of us.

How? You have to get into the parts of the body where these chemicals, metals and toxins are being sequestered and stored. The brain, central nervous system, tissues and fat of the body are the primary areas which have to be addressed. Until recently a truly effective method to safely and systemically remove these killers has not been available.

Practitioners have done everything they could to try to find solutions to help you and your family but have come up short, as the methods weren't available. Until now, a recent advancement in pharmacology and chemistry has created a new "solution" derived from natures own creation for cleaning the environment. A patented proprietary process which turns a natural detoxifying crystal, a zeolite (clinoptilolite), into water-soluble Hydrolyzed Clinoptilolite Fragments (HCF) thus creating a group of particles that are capable of binding toxins and are able to get into the deepest reaches of the body which need to be cleaned, your central nervous system, brain, fat and other cells and tissues.

This invention does this passively with 100% safety as it has been proven safe by the FDA and given GRAS (Generally Regarded As Safe) status as a food additive. It can't hurt you, your baby or your children. It can only help you.

If you desire to have healthy kids I encourage you to step outside the standard thinking to change your life and the life of your loved ones. Make sure they end up better than you, not just like you!



Addressing the Spectrum

Understanding the Cause and Addressing the Cause at the Source with Safe, Simple, Slow and Effective Systemic Detoxification

Clayton Thomas

Breaking down the wall in the brain should be the primary focus of addressing the Autism

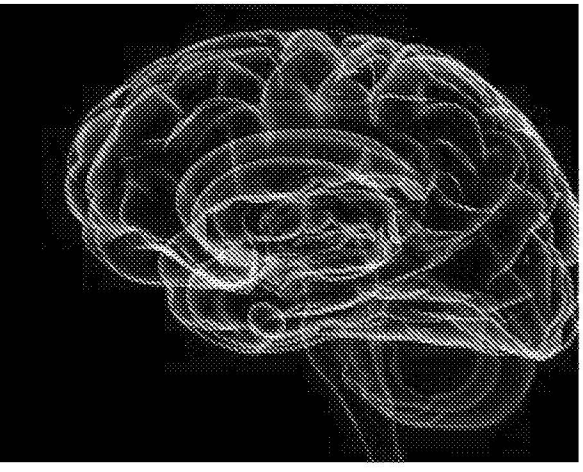
This is not an attempt to debate the cause of Autism and the neurological issues which make up the Autism Spectrum as well as ADD and ADHD diagnoses. We can now accept that these issues are primarily caused by environmental toxicity. The source of this toxicity which tips children into the Spectrum begins at day one, when a specific child reaches their tipping point depends on a multitude of factors, the most important being the mother. It is well proven by the Environmental Working Group that approximately 30% of the mercury in a mother is passed to her child via the placenta and thru breast milk, in addition 287 additional toxins (that we can test for today).

We are born poisoned. Some embryos become so toxic that they are miscarried. The rest are born with their specific body burden and then become victims of their environment. From our first breathe we are loaded with daily exposures to additional chemicals, heavy metals and environmental toxins which are known to cause neurological damage, cancer, death and a whole sort of other

systemic issues. Then we add in our vaccine schedule with the preservatives of Thimerosal (mercury) and now aluminum derivatives in place of mercury. Is there any question why Autism rates have exponentially increased in correlation to an increase in the vaccine schedule? I think not, either.

Addressing a Cause at the Source

Since mercury is the worst neurotoxin known to man and one of the most deadly toxins known we can focus on this as the primary issue. Mercury is lipophilic, it loves fat and is stored in fat. Since your brain is derived of fat mercury loves to sequester in brain tissue as well as adipose and other areas of the body. The question then becomes simple. If mercury is sequestered in the brain and Autism and all of the issues of the neurological system start in the brain and central nervous system why are we not focusing on the detoxification of this system?



Focus on the brain and central nervous system for detoxification to find the changes you desire

The answer has been simple, there we no simple, safe, effective and systemic methods that could address mercury where it is primarily stored. Until now. This is why when you hear about the next great detox in the media it is focused on the gastrointestinal system, the kidney or liver. These are great but they don't address the real source of the problem.

For a decade now a volcanic mineral has been used for heavy metal detoxification in the gut. This mineral is a zeolite, clinoptilolite, which is formed from volcanic ash mixing in sea water and fossilizing to create a honey comb porous cage structure with a natural negative charge which acts like a sieve for toxins in the environment. This mineral is insoluble in water so ingestion of the powder or of a suspension of powder in water can provide great benefits to the gastrointestinal system as the mineral binds toxins in the system.

This zeolite offers amazing benefits with a mineral that is GRAS (Generally Regarded As Safe) by the FDA but because of its insolubility it leaves the important parts of the left wanting. Recently a patented proprietary process has been introduced and scientifically proven to hydrolyze the zeolite. This process creates Hydrolyzed Clinoptilolite Fragments that are pure water-soluble particles of the natural crystal structure which are small enough to

permeate cell membrane and the blood brain barrier allowing the proven benefits of the zeolite to enter cells and the brain and central nervous system where these particles can passively bind mercury and other heavy metals and toxins and safely remove them.

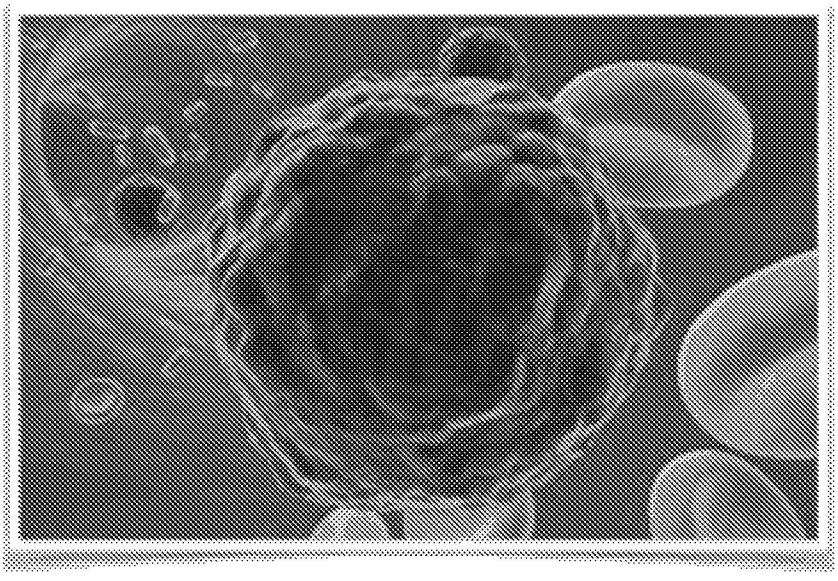
We can finally address the cause at its source.

This process of hydrolysis is proven with the highest levels of pharmaceutical science. Liquid Chromatography Mass Spectroscopy analysis has proven the particles created are water soluble and range in size between 240 and 1,000 daltons. More than 10 times smaller than is allowable to cross a mitochondrial membrane.

Initial clinical research has proven increases in electrical activity in the brain as well as improved memory and other biological functions from an increase in cell membrane vitality and efficiency to increased cellular energy and basal metabolic rate with reductions in inflammation and cellular fat.

Most important is the passive nature of the solution. It is safe for all ages and is completely passive. A child in the spectrum can very easily add this protocol to their daily regimen without upsetting their routine. A parent can start as slow as they want and titrate up at their own pace based on the reaction of their own child without risk of negative responses. Your child might even start asking for their drops as they begin to notice changes in their body and biochemistry.

Addressing the symptoms seen in children in the spectrum by effecting the cause at the source can allow you to experience the results you've always dreamed of seeing in your child.



Blood Sugar Resistance

A Different Look at a Recognized Issue of Insulin Resistance and Potentiation: Unblock the Receptor Sites

Why would someone all of the sudden become insulin resistant? Their cells can't assimilate the molecules.

The body has a unique ability to regenerate, heal and adapt to its environment. That is until the environment becomes too burdensome for the body to adapt. Let us take a quick look at an issue that effects tens of millions of Americans and millions more beyond our borders: Diabetes. Be sure that you keep in mind that these thoughts and ideas are in no way designed to talk about treating or curing diabetes. In fact, once one is diagnosed with diabetes they will always be "diabetic" but there is always the opportunity to become subclinical. Whether a diagnosed diabetic can regulate their blood sugar via diet, exercise and lifestyle they are still diabetic.

As a population we have focused on the issues diet, exercise and lifestyle to combat the symptoms of diabetes for decades, now we can talk about an additional approach to possibly look at one of the main causes of insulin resistance. Your cells have insulin binding sites just as they have binding sites for other hormones like testosterone and estrogen or nutrients like calcium, magnesium

and potassium. It is well proven that heavy metals such as mercury cadmium, arsenic and lead amongst a long list of other environmental chemicals and toxins block different receptor sites of cells, some of these toxins block insulin receptor sites.

Toxic Cells Don't Function Well

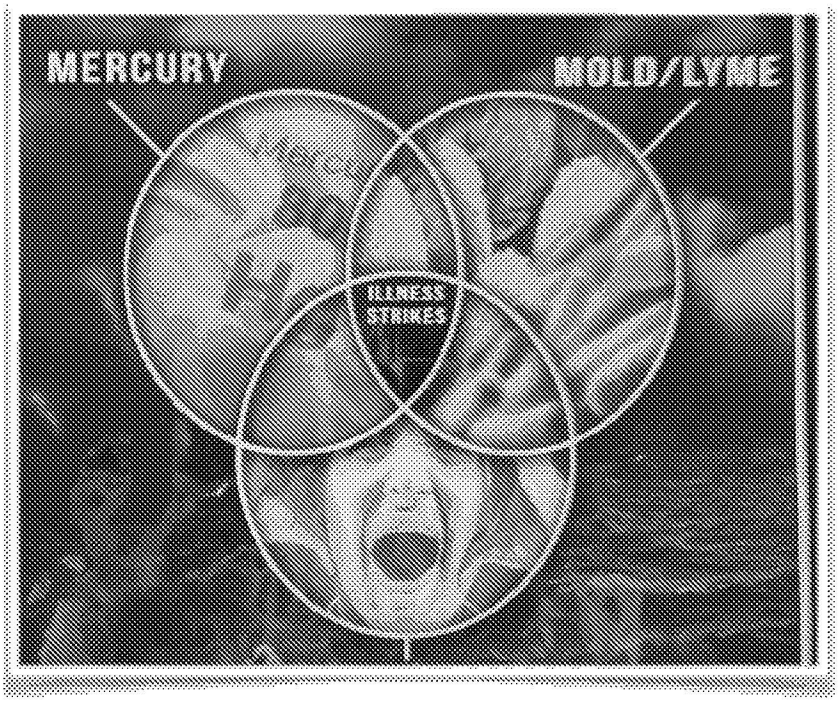
Let's look at the symptoms of being toxic just briefly. First toxins build up in adipose tissue as well as other parts of the body, like the brain. Your brain uses fat to store toxins in order to keep them from damaging critical parts of the body as the body does not have the ability to effectively remove these toxins from the body. As you become more and more toxic you can add significantly more fat. And we all know that obesity has been linked to high risk of diabetes and now it is directly linked to significantly increased cancer risk.

Don't become a slave to the needle.

Makes you think right. Body stores toxins in fat, toxins are known to cause cancer and diabetes, fat people have highest cancer and diabetes risk. Hmmm. Are you then sick or just toxic?

So what happens if you are able to detoxify your cells and tissue? This is the trillion dollar question. Instead of treating the symptoms of insulin resistance why not just remove what is blocking your cells from assimilating insulin. If you are able to get into the cells where these blockages are taking place and remove the cause of the blockage you free up the binding site available for insulin which in turns allows the cell to buffer insulin from the blood stream. The continued detoxification of cells allows improved assimilation of insulin which would decrease the amount of insulin and sugar in the blood stream which over time could cause A1C Levels to decrease and possibly lead an individual to becoming subclinical.

When this process also cleans out the adipose tissue of stored toxins, fat can dissipate as it is no longer needed as a storage medium. The best part is knowing that this process goes beyond your cells but also into the brain and central nervous system where amazing changes can take place regarding your total systemic function.



Cause or Symptom?

When it comes to your longterm health your choice to address one or the other can make or break your vitality

Could health be as simple as removing the cause of our symptoms versus treating the symptoms with pharmaceuticals

Life is full of choices. We make many of them on a daily basis, some are small and don't have much impact and others can change the course of our life. How you choose to approach wellness is one of the big choices. Do you choose to follow the allopathic route or the "alternative" approach? Let us take a look at both approaches and attempt to make an argument which option might be best to start with.

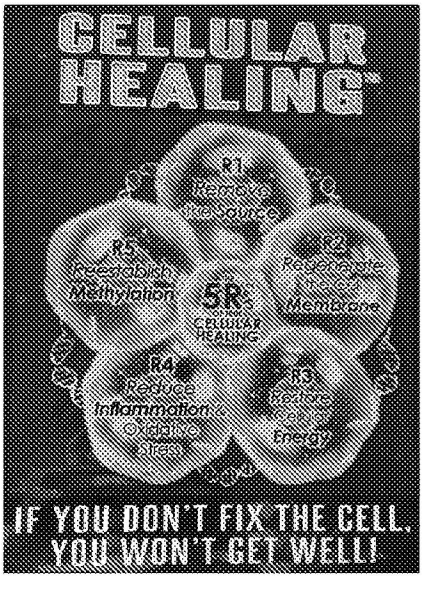
I'm not anti-Pharma, anti-MDs or the medical establishment. They all have their purpose.

My partner is an elite cardio thoracic surgeon and if I need surgery for anything pertaining to my cardiovascular system I want him in the room. I don't need him to do an analysis of a back ache. It is not his area of expertise. This approach should be taken when looking at all aspects of your health and wellness.

Why look to maintenance before looking for a solution to the cause.

Symptom Based Therapy

I think as a population we have become too dependent on the "doctor says" philosophy. Let us look at the model. Medical doctors are trained in pharmacology and the prescription of drugs or procedures to address symptoms of a patient. If you have a list of symptoms say drowsiness, lack of motivation, feelings of sadness and lack of libido as an example; your physician will look at those symptoms to give you a "diagnosis" and possibly give you a title. You're depressed! Based on the diagnosis she can prescribe You a pharmaceutical to take to manage the symptoms. This is where managed care comes in.



Simple in philosophy. Clean up the cells and the body and watch what happens.

The goal of medicine today is not to cure your issue or even treat the cause, the focus is on symptom management. If you hurt, let's mask the pain. You don't sleep well or can't get to sleep, let's give you a drug to put you in a minor coma. Over time you may show other symptoms of "issues" where you need additional prescriptions to manage those symptoms. Sometimes you need prescriptions to manage side effects of the prescriptions you have been prescribed. This seems odd. This is not how you get well. It is how you check out, and unfortunately today millions and millions of Americans are part of this culture. Nothing wrong with it, it just seems odd.

Cause Derived Solutions

Now let us look at the other side of the coin. With every symptom there is an underlying cause. It should stand to reason that if you remove the cause from the area of the body where the disruption is taking place then the symptoms would cease. No cause. No effect.

Think of a group of children in a classroom. If you have one child who is acting out and causing disruptions, you simply remove the problem child and get back to business. The children who know how to behave will go back to acting properly once the cause of the disruption is removed. The body is no different.

The problem to this point in time has been how to effectively find the problems in the body and remove them. Good thing we have a "solution" for that now.

Back in the 1970s the World Health Organization stated the primary cause of chronic degenerative diseases were environmental toxins. Times haven't changed. They have actually gotten worse. We are more toxic as a population (and I mean globally) than we have ever been. Hence rates of cancer, diabetes, alzheimer's, heart disease and other health conditions are at their highest points in history and rising.

We're toxic! No arguments can be made. From day 1 you are poisoned. Your mother pushed mercury and other toxins in to you while you were in the womb and then through breast milk and then you got everything else we deal with. The Environmental Working Group has proven and continues to document that 30% of mercury in a mother is passed to her infant along with other chemicals, pollutants and toxins. Plus based on weight and size a baby is 8 times more toxic than its mother.

So the question is, are you sick or just toxic? In actuality, you're freakin' poisoned!

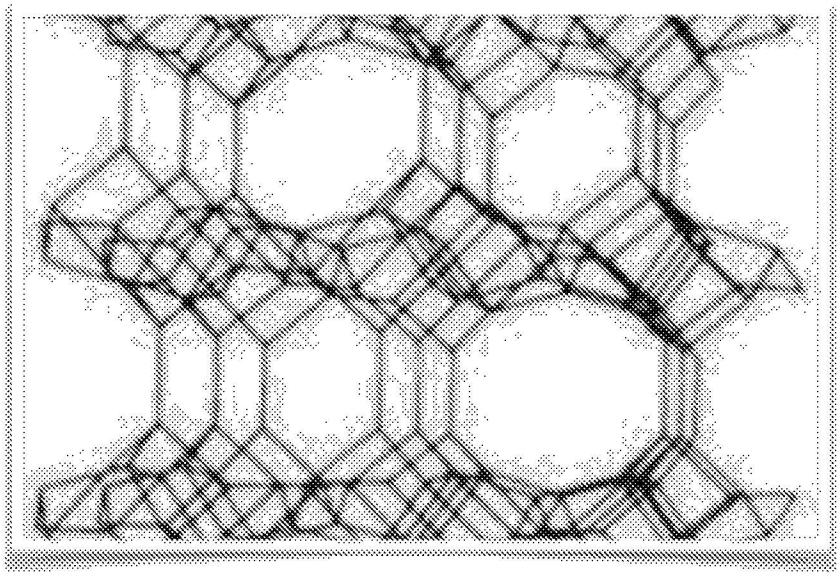
Does it not stand to reason that it might make more sense to look into removing the toxins that are causing your symptoms before trying to treat the symptoms themselves? If you remove the toxins you just might start feeling better.

If you don't have symptoms yet, great. Do what you can to get the toxins out early enough and find out how amazing a truly healthy body can function. This is why I make the statement that I can't get cancer. Not possible. My body works too well.

If you have symptoms that concern you, try doing some work to clear out the cesspool that is your body. You might not need to take the drugs commonly prescribed for your symptoms.

If you are already being "treated" for issues, try cleaning your body up. Watch the miracle that is the human body function when blockages and stressors are removed. You might find you may not need the drugs anymore or you can dramatically decrease what you need to maintain some semblance of balance.

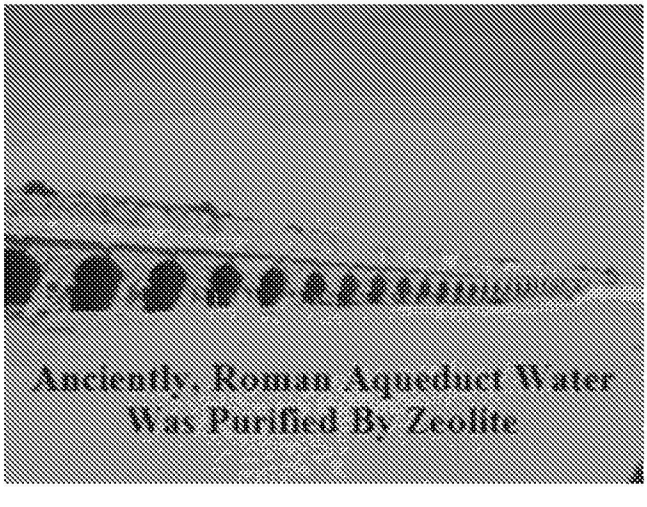
Don't be afraid to try the "alternative" before going mainstream. You just might find vitality.



End of the Zeo-Wars

10 years of talk about the power of zeolites and who has a better "liquid" is over and here is why!

History



Zeolites, specifically clinoptilolite, has a long documented history of use for the cleaning up environmental issues. The first recorded instances date back to Roman times when the Roman Empire used clinoptilolite to line the aqueducts to assure they did not die of lead poisoning from their water supply.

Moving forward to more recent history this zeolite has proven usage for removal of toxins, chemicals and heavy metals from everything from kitty litter and water filters (your refrigerator probably has some clinoptilolite in its filter) to environmental cleanup of the worst nuclear disasters and environmental spills.

The main point to understand is this; clinoptilolite is proven and recognized as the most effective natural method to bind heavy metals and environmental toxins and remove them from the

environment. It is why they were created. A volcanic mineral with a natural negative charge and honeycomb structure that acts like natures sieve to bind toxins in the environment. The same volcanic eruptions that created the zeolite beds across the globe also spewed out tons of heavy metals like mercury, lead and aluminum amongst other toxins. Without a natural purification system our existence would have been minimized as the environment would have been too toxic.

Human Consumption Introduction

A little over 20 years ago the first powdered zeolite products came to the market. Micah Portney was the first person to introduce zeolite powders to the world for human consumption. These first two products were known as Esdifan and Destroxin (both still available today) both of which are micronized powders of clinoptilolite and are sold for their ability to bind toxins and water in the gut for use as anti-diarrheal products. Both work very well for just that; as when clinoptilolite is ground into a powder and consumed by capsule or powder it has an amazing ability to work within the gut to do what the zeolite does naturally, bind the bad stuff and remove it.

Powdered micronized clinoptilolite is great for GI detoxification whether you take it in water, capsule or straight

Over the last 15 years or so there has been significant research done on the power of this zeolite to validate the efficacy of the mineral to bind everything from mercury, lead, aluminum and arsenic to cesium-137, strontium-90 and uranium-233 to viral particles and beyond. There is additional research published from research done in Croatia that showed that for some reason the mineral has an innate ability to up regulate (reactivate) tumor suppressor genes in abnormal cells when a powdered suspension (small amount of powder mixed in water) was injected directly into growths of abnormal cells in rats. There are currently over 300 published clinical studies on clinoptilolite on pubmed.gov that validate this minerals unique properties.

10 years ago a new industry was created with the first introduction of a zeolite suspension. A suspension in terms of chemistry is NOT a liquid. Think of amino acids or Kool Aid where you can mix some powder in water and it appears to go into solution and become water but if you add enough you see it begin to settle on the bottom of the glass. These are

suspensions. Insoluble particles mixed in water to make them easier to ingest.

This is where claims and facts start to get a little mixed up. Remember clinoptilolite and other zeolites are rocks, crystals formed from ash and lava mixing in sea water. If you are to grind up a rock and mix a little bit in water given that the rock is a solid and is not water soluble you can only create a suspension. This also means that this suspension of a solid could not cross a cellular membrane of a health gastrointestinal tract. Some of the particles get into the blood stream via leaky gut issues which allows zeolite particles that should not typically cross the membrane of the GI tract to get into the blood stream before being flushed out of the body via the kidneys in a few hours. This process has great benefit by helping to briefly remove some toxins from the blood stream.

These suspensions have primarily been sold through direct sales or direct to consumer websites. They have had a great run in the market place, having sold hundreds of millions of dollars of product over the last 10 years. But this distribution model has led to distributors being misinformed by companies to sell a story that is not true or factual. This ends now because of a new advancement in the world of zeolite science. A new proprietary patented process that has never been done before, even at the highest levels of research for environmental cleanup.

Researchers at one of the top nuclear proliferation research laboratories have been attempting to hydrolyze clinoptilolite for over 20 years. Hydrolysis is a chemical reaction that can be created to turn a solid into a liquid. Up until about 2 years ago a process to do this had never been discovered. And then very quietly the World changed when a world renowned physician who was a senior research fellow at one of the top cardio-thoracic surgery and research institutions in the world was asked to look at one of the suspensions of zeolite to improve the manufacturing process. He had no history with zeolites, just a PharmD, MD, PhD, FETCS and two international awards for advancements in cardio thoracic technology and coronary artery

flow with an innate understanding of chemistry due to his first doctorate being in Pharmacology.

Knowing that a suspension provided no systemic value to the body. He took on a challenge to create something that could be different. He invented and validated the first process to hydrolyze clinoptilolite. For the last 18 months this process has been tested and validated to make sure that the product that is being created is actually a liquid and does have what are called Hydrolyzed Clinoptilolite Fragments (HCF). The exciting news is that this is science FACT! Proven with independent lab analysis with pharmaceutical research laboratories and by analysis of leaders in the fields of environmental cleanup as well as systemic detoxification in humans and animals.

"The LC-MS analysis of the HCFCon yielded a range of molecular weights between 235 - 620 Daltons. The exact mass for each of the observed peaks and the difference between adjacent peaks was used to determine the presence of sodium ions with indication of at least one sodium ion associated with each of the various molecular weight species."

What does this mean? The analysis proves that the new product is a liquid and has Hydrolyzed Clinoptilolite Fragments that make up the SOLUTION that are small enough to cross cellular membranes as well as sub cellular membranes and the blood brain barrier. For the first time in history, the mineral that is proven to be the best method for binding and removing environmental toxins is actually bio-available.

Victor Hugo stated "Nothing is stronger than an idea whose time has come."

This is the premise for this entire conversation. We live in a toxic world. Our population is becoming ever increasingly more sick and polluted year over year. Rates of cancer, diabetes, obesity, autism, alzheimer's and other degenerative issues are increasing at alarming rates due to how toxic we have become.

An amazing opportunity exists to those who can solve the problem.

Become part of the mission, make the decision to change your health, or both.

Clayton Thomas
December 10, 2014

Environmentalism

Take a look inside before cleaning outside

Clayton Thomas
December 10, 2014

Change Your Mind

Be selfish and fix yourself first

People have become passionate about global warming and environmental issues today and how the actions of humanity are having an influence on the environment but most people refuse to look at the real environmental issues that are plaguing humanity; the issue of internal environmental toxicity. Our population is more poisoned today than at any other point in human history. If we don't address this issue our external environment doesn't matter.

Governments, advocates, the media and consumers love to talk about issues and problems but the topic of solutions is fleeting because it is so easy to pray on fear. Let's change the approach. With creation of fear in a human two responses become possible fight or flight. So let's actually fight what is killing us instead of becoming sicker and sicker with less energy, more fat and increased mental illness and chronic diseases.

If your body is poisoned with heavy metals and environmental toxins, which it is, any work you do to help the global environment is really wasted because you won't be able to fully enjoy what you are working to preserve due to the damage of the toxins and chemicals that are destroying your bodies ability to function. Take mercury for example which ever person alive has excessive levels of, most are sub-clinical but have symptomology that isn't correlated. What are symptoms of mercury toxicity? Just about every issue humans deal with today that is not a true

genetic disorder like Sickle Cell trait and Down's Syndrome. Don't believe me? Google it!

Mercury is proven to damage 8 systems of the body:

Endocrine Immune Cardiovascular Neurological

Respiratory Reproductive Psychological Central Nervous

It is a great thing that there are only 8 major systems that are damaged by mercury alone but the major problem is that there are no other systems to disrupt or damage. And to think that even today the Environmental Working Group finds over 287 known toxins in the cord blood of infants; over 180 of those toxins are known carcinogens (THEY CAUSE CANCER) and over 200 are known neurotoxins. What do you think our problem is?

We know what our issues are, we know where they are. Now we know how to get them out. With the Hydrolyzed Clinoptilolite Fragment technology which makes natures ideal detoxification mineral water-soluble and bioavailable we can now remove these toxins from inside the brain and central nervous system as well as the fat, tissue and cells of your body.

Become a true environmentalist and help others clean up themselves and their friends and family.

DETOXIFICATION METHODS AND PRODUCT COMPARISON

Whole Body Detoxification can be accomplished using a variety of methods; each one is associated with benefits and problems. Detoxification is a core part of natural health. These are the major methods used for Detoxification.

Method	Benefit	Draw Back	Comments
Diet & Fasting Mainly for weight loss	Very good for colon and intestines. Helps clean the digestive track.	Difficult for most people to fast for three to five days. Accumulated toxins are generally not removed.	This is a good idea but has limited benefit for most toxins.
Juice Diet Mainly for weight loss	Easy to take and provides essential nutrients. Mainly general health.	Requires investment in juice extractors and special fruits. Accumulated toxins are generally not removed.	This is a good idea and provides great nutrients, but has limited benefit for most toxins.
Colon Cleansing 7 to 14 day program Renew Life is leader	Very effective method to clean digestive system. Some liver benefits. Weight loss is best result.	Some pain and severe side effects can occur. This is a three or four part system. Costs are about $50 to $100. All these kits do not provide cellular detoxification.	These work very well for the digestive system and liver. Many have added probiotics to the system.
Herbal Whole Body Detoxification Mainly for weight loss	Works best in kidneys and liver. Some data are backed by science. Most widely used system with fibers.	Some individuals have severe reactions. Limited ability to remove accumulated toxins. Not proven beyond weight loss. Cilantro, Chorella, and Thistle are popular.	No herbal products have strong data on a range of heavy metals or pesticides. Works mainly on toxins loose in the blood.
Vitamin Detoxification Very reasonable cost	Tends to have less impact on system. Vitamin C and E work well.	Very limited data on heavy metals or pesticides. Recent Vitamin E reports have some promise. Vitamins help support other methods.	Helps support natural systems, but does not address full range of toxins.
Foot Pads & Foot Baths	Easy to use system with strong visual results. Pad shows major change.	No data on ability to work throughout the body on toxins circulating in the blood.	Strong visual results, but limited data on whole body results. Cleans feet well.
Organic extracts and Citrus	Broad range of options working on kidneys & liver. Helps with weight loss.	Wide range of claims with limited data on how they work. Humic and Fulvic acid are popular. Citrus pectins have some data but limited	These cover a range of products and applications. Most lack strong science. Most are combined.
Chelation Systems EDTA Physician administered	Leading product is EDTA. Also DMSA and DMPS Both IV and Oral Systems.	The IV Chelation works best and has strong history of use. These are well proven methods with known results. The best is a regular IV drip.	These products have many draw backs. Must be administered by Physician. Expensive & Painful.
Zeolites and related Minerals	Long history of use in toxin removal for environmental toxins.	Many have limited ability to work systemically and are not absorbed by the body. Quality varies significantly.	Bioavailability and cage structure are critical for effectiveness.

LEADING DETOXIFICATION INGREDIENTS

Chlorella can also absorb toxins from the intestines. Because of its ability to bind to heavy metals and other toxins, it makes it a good partner to cilantro.

Cilantro can help remove heavy metals; however it tends to carry these metals to another part of the body. It should be used with other products that will capture heavy metals and remove them from the body.

Milk Thistle supports the liver functions and prevents toxins from building up in the liver. It helps support liver health and heavy metal removal. Its action is primarily observed in the liver.

Vitamin C has a long history of use in immune system support. Vitamin C helps boost the body's production of glutathione. It also helps remove free radicals from the body.

Vitamin E works best in removing lead. It works well with Vitamin C. It helps reduce the stress caused by toxins in the body. Some concerns exist regarding high dosages of Vitamin E.

Magnesium supports detoxification and the production of energy process (as ATP), which provides cells with the energy they require for pumping out toxins before, during, and after they accumulate.

Modified Citrus Pectin is found in apples and fruits. It binds heavy metals and some free radicals. It has limited use in detoxification.

Glutathione is the body's natural detoxification agent. Glutathione helps to remove heavy metals such as cadmium, iron and mercury. It is very difficult to supplement with Glutathione because the human body does not absorb it easily.

NAC is an amino acid, which can bind heavy metals and stimulates the body's natural removal systems. NAC is used to treat acetaminophen over dose. It is used with DMPS to support heavy metal removal.

EDTA is effective in removing heavy metals from the blood; it is the standard, FDA-approved treatment for lead, mercury, aluminum and cadmium poisoning. EDTA may deplete important vitamins and minerals, so daily multivitamin supplementation is required

DMPS is a drug developed in Europe and is widely used to lower heavy metal toxin levels. It is administrated orally by physician. Side effects are common and its use must be monitored.

DMSA is used for lead poisoning in children. It is used by some physicians prior to having mercury amalgams removed. This requires physician monitoring due to potential side effects.

Clinoptilolite Zeolite was created millennia ago from the combination of volcanic ash and blue green algae. Clinoptilolite is the variety of zeolite most associated with detoxification. It is sold as a powder or liquid, but most forms are not bioavailable. It is widely used in environmental toxin removal. It is difficult to get it to work in the body.

Humic & Fulvic Acid are naturally occurring acids used with other detoxification systems. Humic acid is known for immune support. Fulvic acid is known for detoxification and energy support. Neither has undergone extensive safety or performance studies.

Hydrolyzed Clinoptilolite Fragments provide a different concept in detoxification via oral chelation. It is a patented hydrolyzed (water-soluble) zeolite crystalline fragment and 100% bioavailable which works at the subcellular and mitochondrial level. Pre-clinical studies have demonstrated **HCF** safety and efficacy. It creates a foundation for natural health improvement by systemically removing the recognized cause of approximately 90% of all chronic diseases and supporting the body's natural detoxification process.

I Can't Get Cancer!

The Removal of the Cause of the Issue Leaves You With an Environment Capable of Protecting and Regenerating Itself

Cancer is not the issue you should be concerned about, the causes of cancer and how they affect your body should be of great concern.

CANCER IS NOT A DISEASE. The proliferation of abnormal cells which is diagnosed as cancer is an alarm in your body letting you know that your immune system isn't working and you are completely poisoned and if left unaddressed your system will not be able to continue functioning. Every second you breathe cells somewhere in your body become damaged and become abnormal. Problems arise when your immune system is compromised and these cells can not be dealt with.

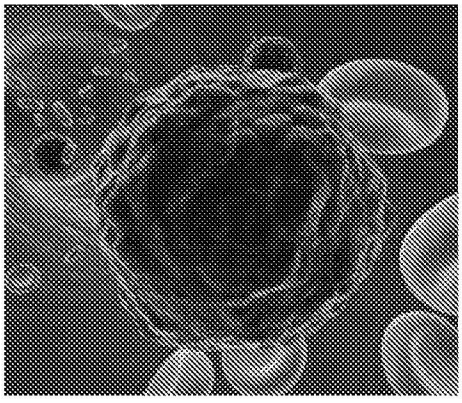
In a healthy functioning biological system your immune system, specifically a few genes, naturally recognizes this abnormality and through a process of apoptosis, or programmed cell death, the cell terminates itself. When this natural process does not happen the opportunity for these cells to metastasize is created. The key point of this process is the body itself has a regulation mechanism to destroy the proliferation of abnormal cells if the system itself is functioning "normally".

The National Cancer Institute supports this theory as well as major medical schools all over the world. With many articles and research reports stating that the primary cause of cancer is environmental in nature in most instances, upwards of 90% in most perspectives. I would also argue that in the other 10% of cancer cases where the topic

of a genetic predisposition to cancer is discussed, the issue may not "genetic" but familial. If you weren't poisoned in the womb your immune system and cells would have been properly functioning as we are supposed to be created.

The damaging level of toxicity creating the environment for your immune system to "short circuit" can be derived from toxins that were passed from your mother while in the womb and via breast milk in addition to the accumulation of toxic metals and other environmental toxins from your environment as you live, breathe, eat and exist. It is absolutely impossible to not have some level of heavy metal and environmental toxin accumulation in your body from Day One. No matter when Day One is, at conception or at birth.

A refusal to address the cause of the problem (cancer in the case of this argument) will lead to traumatic results in time, no matter how much you "treat" the symptoms. You can't cure a symptom. Hence the fight against cancer will never be won. Cancer isn't the issue, the causes of cancer and why our population has become so cancer ridden is the issue.



The key to reversing cancer is not the treatment of the disease but the restoration of the immune system and removal of the cause.

Cure The Cause! Not Symptoms

How can I make the statement that I can't get cancer? I have been fortunate enough to garner knowledge earlier than most, accept it and act on it. Now I have the responsibility to share this information. Here is the basic reasoning behind my claims. If you don't possess the cause of an issue you'll never show symptoms. Or if you have symptoms of being toxic, and you remove the cause of the problem the body will heal and you will no longer have symptoms. Some might say you become sub-clinical. This is not curing a disease! It is simple biochemistry. Cause and Effect. Remove the Cause – No Effect!
The question then is how do you effectively remove the cause of cancer and what the World Health Organization and National Cancer Institute have proven is the cause of over 90% of all chronic disease and cancer. The "solution" is quite simple really when you use the correct protocol.

Ever heard of zeolites? Clinoptilolite has been used since Roman times for its ability to remove heavy metals and toxins from the environment. Clinoptilolite has GRAS status (Generally Regarded as Safe) with the FDA and has been used globally for the last 60 years for everything from kitty litter, animal feed, environmental remediation in areas like Fukushima, Chernobyl and 3 Mile Island as well as food supplements. What makes this volcanically formed crystalline honeycomb structured crystal unique is the naturally occurring cage structure which acts to bind heavy metals and other environmental toxins as well as viral particles and other toxins found in the environment. The mineral is insoluble in water making it ideal for environmental remediation.

Clinoptilolite has been used as a dietary aid for over 20 years. These zeolite powders are very beneficial in the gastrointestinal system of humans and animals but the insolubility does not allow the mineral to work throughout the body no matter how much you grind up the powder due to the insolubility of the crystal.

When it comes to cancer remediation and prevention some significant research has been published regarding the ability of clinoptilolite to up-regulate tumor suppressor genes, P21, P27 and P53 in abnormal cells. Initial research from Croatia validated the minerals efficacy for abnormal (cancer) cell destruction. (Anticancer Research 23: 1589-1596 (2003)) What has been proven is the zeolite allows the natural immune function of the abnormal cell to become active which allows the cell to go through apoptosis (cell death) as it should have initially when it became damaged.

The question was how can you make an insoluble mineral bio-available so as to allow the mineral to work throughout the body and unleash this amazing proven ability.

The process to turn insoluble clinoptilolite into a water soluble particle came after having a brilliant physician be introduced to the concept of a "liquid zeolite." For the past 9 years companies have been selling products claiming to be "liquid" zeolites. All of these products are suspensions of a micronized zeolite powder. Remember that clinoptilolite is insoluble in water no matter how fine you grind the crystal. Remember chemistry class? You cannot make a "liquid" out of a solid. You might be able to create a suspension but never a solution. Think of Kool-Aid if you mix too many packets in a small glass of water. You have solids left as they won't suspend. These micronized zeolite powder suspensions are the same as Kool-Aid, just really expensive with some really great abilities to bind toxins in your GI tract.

Because of the mechanism of action of clinoptilolite, many users of these powdered products have had life changing results, but their overall opportunity for a completely mind blowing experience was not available as the products they use have lacked the ability to cross the cellular membrane or cross the blood-brain barrier (BBB) and work throughout the body where these deadly toxins are stored and sequestered and cause the most damage to your body. If you can't get inside your cells, your brain and central nervous system and fat and other tissue you can never get to the root of the problem.

To solve the issue of solubility a process of hydrolysis was created which breaks down the structure of the zeolite to create Hydrolyzed Clinoptilolite Fragments (HCF) which are water-soluble in solution and 100% bio-available. The HCF particles maintain the structure and ability of the clinoptilolite it is derived from. They are no longer a zeolite but a new derived particle from the original zeolite.

The water solubility of the Hydrolyzed Clinoptilolite Fragments gives the clinoptilolite derived particles the ability to cross the mucus

membrane in the mouth as well as the gastrointestinal wall in the gut allowing the particles to circulate throughout the bloodstream and enter cells and tissue and cross the blood-brain barrier. The ability to work throughout the body differentiates the patented product from any other zeolite product on the market. No other product can do what this patented formula does because of the size and solubility.

HCF is the only liquid proven to work systemically throughout the entire body and is enhanced with the inclusion of a Vitamin C molecule which is attached to the cage structure of the water soluble zeolite particles. This addition of the Vitamin C molecule increases the ability of the HCF particles to cross the cellular membrane as every cell membrane in the body has vitamin C receptor sites. Essentially a skeleton key is added to every HCF particle which allows it to easily pass through cells and the BBB.

Powders are good for your gut, but to address your entire body you have to have a product that is water soluble.

Does this amazing invention cure cancer? Can it be used to treat cancer? **NO!** The product is not designed to treat or cure cancer or any other disease. Stating that it does is a misrepresentation of its function, impact, a distortion of acceptable communication and a legal endangerment to the individual making such medical claims.

What the product does do is passively remove the toxins and chemicals commonly known to contribute to this issue and to the majority of other chronic health conditions we face today. Thus allowing the body to effectively function.

Supporting the improvement of cellular membranes, cellular energy and cellular metabolism, HCF allows the body to find homeostasis and heal itself. We live in a toxic environment where sick is the new "normal" What's your issue?

Life creates its own necessities and as every need presents its own solution you just have to know how to find it or create it.

Continual and prolonged use of HCF is your solution to a more effective vitalized body. Because of my prolonged use of this amazing technology I can't get cancer, and you can too. Make the simple to choice to feel as good as I do on a daily basis. You'll love it!

metron
NUTRACEUTICALS
ΠΑΝ ΜΕΤΡΟΝ ΑΡΙΣΤΟΝ

Zeolite Detoxification

Powder, Suspension, Hydrolyzed Fragments and You

Clayton Thomas

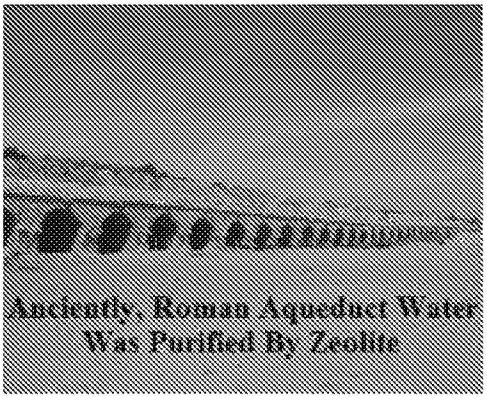
A solid cannot be a liquid, a powder can be suspended but will never be a liquid. A zeolite suspension is a very small amount of dirt in water.

Nature consistently provides a solution to a problem if one does the work to look for it. When it comes to the removal of environmental toxins and heavy metals a class of volcanic minerals has been proven to eliminate toxins better than any other method. Zeolites are natures detoxifier. A mineral created by volcanic acid mixing with sea water and fossilizing on the sea floor possessing a porous honeycomb cage structure which naturally binds toxins. Notably used by the Romans to line the aqueducts, zeolites have been used for air, water, soil, sewage and environmental remediation for decades. Your refrigerator water filter probably has zeolites in it.

In the last decade the use of zeolites for internal benefits has become more prominent with the use of micronized powders and micronized powder water suspensions and now a Hydrolyzed Clinoptilolite Fragment technology. Which should you use and for what should they be used for?

What is the difference between powders and powdered suspension? The amount of zeolite you get with each dose and the amount of money you pay for the product. A powder is a powder whether it is in water or not. Both are insoluble and unable to be absorbed in the body so they both provide benefits in the gut and gastrointestinal (GI) tract. Since both products work in the same part of the body and do the same thing it would make sense to use the product with the lowest cost and the greatest amount of product. This makes the zeolite powders the best option if you are looking to detoxify your GI tract.

Detoxification of your GI tract and gut is only the tip of the iceberg for total wellness in order to get well and function optimally you have to detoxify your entire body.



The Romans proved the power of zeolites and their benefits environmentally. It has taken centuries to take these benefits internally.

Systemic Zeolite Detoxification

Heavy metals like mercury and aluminum are neurotoxins and lipophilic, meaning they prefer to be stored in fats and in the brain and central nervous system. Other chemicals and toxins end up everywhere in the body. Whether it is lead and strontium 90 in your bones, cesium 137 in our heart, and organophosphates terrorizing your liver and the list goes on. In 1974 the World Health Organization had stated that approximately 84% of all chronic diseases are created by environmental toxins. This number hasn't gone down over the last 40 years and the issues are not focused on the gut so why do we not focus our efforts of detoxification on the areas where these toxins do the most damage? The easy answer is that we have not had a simple, safe, effective and cost effective ability to do what we've really needed.

This ability took a deep understanding of chemistry and pharmaceutical science to create a process of hydrolysis which breaks down the structure of the zeolite mineral into small Hydrolyzed Clinoptilolite Fragments that are water-soluble and capable of crossing cell membranes. This includes the GI tract, adipose and tissue cells as well as the blood brain barrier/ central nervous system and mitochondrial walls allowing these amazing particles to get into the most important parts of the body where these killer toxins are sequestered to bind these toxins and allow them to be secreted passively.

This process of hydrolysis is proven scientifically with pharmaceutical level testing such as Liquid Chromatography Mass Spectroscopy analysis and independent research by leading physicians in the field of heavy metal detoxification. The ability to detoxify the body has changed and become very simple. A few drops two to three times daily and you are on your way.

If systemic detoxification is your desire and you understand the power of zeolites and their ability to bind and remove heavy metals, environmental toxins and other chemicals your best option is to find the only Hydrolyzed Clinoptilolite Fragment (HCF) technology on the market.

My Zeolite Product Does This Too.....Sorry It Can't

Clayton Thomas, JAG

It's truth time. This should be one piece that sparks some great conversations for you as there are thousands of people and about 10 other products on the market that "claim" to be "liquid zeolites." This should provide some clarity for you.

First zeolites, specifically clinoptilolite which is the best of the category for detoxification, are a crystalline mineral structure that are insoluble in water. Meaning the mineral in its natural form no matter the size of the particle is NOT ABLE TO BECOME A LIQUID! This is why clinoptilolite is used so heavily for environmental cleanup and industrial use as well as for use in water filters, air filters, kitty litter, digestive aids, anti-diarrheal products, other food additives among other uses.

500,000 tons of clinoptilolite powder were dropped over Chernobyl after the meltdown and untold tons have been used in the ocean, the soil and in the reactor pools of Fukushima as well as 3 Mile Island and nuclear reactor areas like Hanford, Washington and Oak Ridge, Tennessee. You can mix the slurry of zeolite powder in water and it will never go into solution. It will suspend for a time but never go into solution to become water soluble. This is the most crucial difference between the Hydrolyzed Crystal Fragment technology you have and every other zeolite product on the market. Your competition is either a cheap powder in a container or a cheap micronized powder suspended in water and then sold in miniscule amounts at high prices to make people money.

The Hydrolyzed Crystal Fragment technology actually starts where all of our competition finishes. We are able to take a zeolite either in rock or powder form and hydrolyze the crystal meaning our proprietary patent pending process breaks down the mineral into nano sized crystalline fragments that become water soluble and are also small enough and have molecular weights small enough to pass any cell membrane in your body, especially the blood brain barrier and central nervous system. At this point the game is over. But let's talk a little extra science to really differentiate your position.

The micronized powder suspensions ("liquid zeolites" as they claim) have a claimed molecular size of 3-5 microns. This is fairly small but size is only a small part of the equation. Without being water soluble the molecule can never cross a membrane wall. That is the gastrointestinal wall or other cellular membranes. Sometimes if an individual has a "leaky gut" due to GI toxicity some particles will get into the blood stream where they are the removed via the kidneys and urinated out. These particles are not bio-available (cannot work systemically and cross the cellular membranes) hence they have a recognized half-life (active time in the body) of about 4-6 hours. These products have some benefit but a simple cost/benefit and value analysis will have you reaching for the real proven technology.

Now for the fun part. Our Hydrolyzed Crystal Fragments have an average size of 50 nanometers or .05 microns (yeah you read that right **.05 microns**). 100 times smaller than our competition. Because of our focus on creating the best product in the industry and using pharmaceutical level testing methods we have completed Gas Chromatograph Liquid Chromatograph Mass Spectrometer analysis of our Hydrolyzed Crystal Fragments to understand the molecular weight, quantity and type of molecules we create. There are five different molecules created in our hydrolysis process that range in molecular weight from 240 to 1,000 daltons. The 1,000 daltons size is ten times smaller than the maximum size allowed to cross a cellular membrane. We have particles that are able to not just get into the cell but get into the mitochondria and citronella of the cells to detoxify your body at a level that has never before been achieved.

Did I mention the Vitamin C we add to the Hydrolyzed Crystal Fragment structure to increase permeability across cell membranes? No. Each of the five particles we created have either one, two or three NA+ (sodium) binding sites as part of the structure. We add L-Ascorbic acid (Non-GMO organically sourced Vitamin C) in a final step of the process to bind the Vitamin C to the sodium binding sites. Because every cellular membrane in your body has Vitamin C receptor sites (Linus Pauling won a Nobel Prize for his research in this area) this combination of Vitamin C on the structure acts as a master key to provide easy access in and out of cells and across the blood brain barrier.

You now have a scientifically proven zeolite technology that incorporates Nobel Prize winning research to create a product that will safely, simply and systemically address the issues of aging and systemic toxicity at a level that no other product or professional can claim to address.

The end game is what you have isn't a zeolite anymore but a patented hydrolyzed crystalline fragment technology that is a derivative of the zeolite that everyone else sells as the best product available. We took what was created by nature and perfected it with real and amazing science.

The opportunity to have a technology with no competition that addresses the issues that every person on the planet can benefit from and most want is beyond compare.

Companies that create solutions to massive problems with no competition have a tendency to make billions of dollars when the “solution” is brought to the market.

ENJOY THE RIDE!

From: Thelen, Mary Beth (DEQ)
Sent: Tuesday, October 13, 2015 4:30 PM
To: Stoken, Laura (GOV)
Subject: RE: Action Item [Jordan] - Constituent Case Referral

Will do. Thanks.

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant
Department of Environmental Quality
Constitution Hall, 6th Floor South
Phone: 517-284-6712 or 284-6700 (new numbers)
Fax: 517-241-7401
Thelenm2@michigan.gov

From: Laura Stoken [mailto:stokenl@michigan.gov]
Sent: Tuesday, October 13, 2015 4:19 PM
To: Thelen, Mary Beth (DEQ)
Subject: Action Item [Jordan] - Constituent Case Referral

Hello -

Governor Snyder's office has received a constituent inquiry from [redacted]

To help us track the correspondence, we've assigned this inquiry the unique reference number of S290851.

I would appreciate a copy of correspondence exchanged with this constituent on Governor Snyder's behalf, but I understand you may be limited by law in what you can share. Please let me know if you are unable to follow up with this constituent or if you believe I have made a mistake in referring this to your attention.

As always, please do not hesitate to contact me with any questions or concerns. Thank you for your assistance.

Laura Stoken
Office of the Governor
O: 517-335-7858

CASE OPEN DATE: 10/13/2015 4:15 PM

NAME: [redacted]
ADDRESS:
CITY/STATE/ZIP:
E-MAIL:
TELEPHONE:

CONSTITUENT INQUIRY: Dear Gov. Snyder:

I am listening right now to the head of the MDEQ, Dan Wyant, shuck and jive in response to Cynthia Canty's questions regarding the MDEQ's performance concerning Flint's water.
I am livid.
VaTech's analysis demonstrated that my home's water supply has unacceptably high levels of lead. I have two grandsons who live in the city, and Freeman is our neighborhood elementary school.
You and your government have failed me and mine. You appointed an emergency manager, took over my city and negated my representatives. Under the Detroit emergency manager, the Detroit water system threatened to raise our water rates to an unacceptable level. To save money your emergency manager decided to switch us to river water without implementing essential and required treatments, and your DEQ failed in its oversight responsibility to ensure that we have received the safe water that we have (dearly!) paid for. Instead, we've received (expensive) poison.
And now Mr. Wyant dodges and weaves in response to Ms. Canty's (rather excellent and well-researched) questions. He repeatedly said, in essence, 'Well, there are experts who say all sorts of stuff'', and avoids answering her very clear yes/no questions.
It is clear that his department demonstrated incompetence in regard to Flint's water. This was not rocket science: It was chemistry, legal requirements, and keeping public health in mind. Developments have demonstrated that he, or people who are responsible to him, were incompetent, fraudulent or both.
You cannot rely upon him for either objective advice or expertise. You owe it to us and yourself to fire him without delay (and then see who else in MDEQ needs to be set at liberty to seek other work :-)).

From: [redacted]
Sent: Tuesday, December 22, 2015 10:00 AM
To: Stoken, Laura (GOV)
Subject: Re: Executive Office of the Governor

Dear Ms. Stoken,

Thank you for taking the time to send me this information.

Nothing that you have told me changes the essential facts that are so disturbing:

1. This was a man-made disaster for which Governor Rick Snyder and people who report directly to him are responsible.
2. The people of Flint, Michigan, have been poisoned as a result of the decision to switched from a safe water source to a contaminated water source. Irreversible damage has been done.

It is my opinion, as an American citizen who believes in the democratic process and in governmental responsibility, that the governor and those who were involved in this decision have been criminally negligent, and should face serious legal consequences for this gross incompetence.

Sincerely,

[redacted]

On Tue, Dec 22, 2015 at 7:14 AM, Stoken, Laura (GOV) <Stokenl@michigan.gov> wrote:
Dear [redacted]
Thank you for your recent correspondence sent to Governor Rick Snyder regarding the water in Flint. As a member of Governor Snyder's staff, I am responding on his behalf.

Recently the Michigan Department ofHealth and Human Services (MDHHS) released preliminary data indicating that 39 of 1,836adults and children tested in Flint since October 1 had elevated blood leadlevels. This marks the first summary report on lead testing calledfor in the state's action plan related to health concerns about Flint's waterinfrastructure.
Information comes from tests administeredcitywide to 1,836 children and adults since October 1. Tests showed that 39 ofthe 1,836 adults and children tested were identified with elevated blood leadlevels.
The report covers test results reported toMDHHS since the state action plan was put in place Oct. 2. It includes thenumber of tests and number of elevated blood lead levels greater than 5 microgramsper deciliter, and captures both capillary and venous blood tests that havebeen reported to MDHHS since the beginning of October. People who have hadmultiple tests are counted only once. Five micrograms per deciliter is thelevel that the

Centers for Disease Control and Prevention considers elevatedand triggers health care professional follow up with families.

The full report is posted online at www.michigan.gov/flintwater andwill be updated as more data becomes available.

In the third quarter of 2010, 8.3 percent ofFlint children 6 and under showed elevated blood lead levels. The figuregradually decreased to 4.1 percent in the third quarter of 2013. During thesame months in 2014, the figure increased to 7.5 percent and decreased to 6.4percent in the third quarter of 2015.

On October 21, Governor Snyder announced the creation of an independent advisory task force charged withreviewing actions regarding water use and testing in Flint and offerrecommendations for future guidelines to protect the health and safety of allstate residents.

MDHHS continues to provide free water filtersand replacement cartridges to Flint residents at four locations, including theMDHHS Flint offices and the Genesee County Community Action ResourceDepartment. For a full list of locations and hours of distribution, visit www.michigan.gov/flintwater.
Thank you, again, for taking the time to share your concerns with our office. Should you have any further comments, questions or concerns regarding this orany other state-related matter, I've included my contact information below.

Sincerely,

Laura Stoken
Constituent Relations Division
Executive Office of the Governor, Rick Snyder
517.335.7858 (o)

From: [redacted]
Sent: Saturday, December 26, 2015 2:04 PM
To: Stoken, Laura (GOV)
Subject: Re: Executive Office of the Governor

Hello Laura,

Thank you for your response. I find it curious that you make no mention of

1) the early warnings from citizens of Flint

2) the denial and lack of response by the Governor to those warnings

3) the timing of the shutting off of water from Detroit and the subsequent removal of the actual pipe

4) the lack of prior studies by his (your) office to determine whether the existing pipes and fixtures were near adequate to handle the change in water source

and of course

5) the actions of the appointed city manager that put all this in motion....

And for what; to save money? The fact that your response only references hand picked statistics and make absolutely no mention of the family's that have suffered and others that will down the road is astonishing and criminal.

Let's try this again...

Regards,

[redacted]

On Dec 22, 2015, at 5:24 AM, Stoken, Laura (GOV) <StokenL@michigan.gov> wrote:

> Dear [redacted]
> Thank you for your recent correspondence sent to Governor Rick Snyder regarding the water in Flint. As a member of Governor Snyder's staff, I am responding on his behalf.
>
> Recently the Michigan Department ofHealth and Human Services (MDHHS) released preliminary data indicating that 39 of 1,836adults and children tested in Flint since October 1 had elevated blood leadlevels. This marks the first summary report on lead testing calledfor in the state's action plan related to health concerns about Flint's waterinfrastructure.
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Thank you, again, for taking the time to share your concerns with our office. Should you have any further comments, questions or concerns regarding this orany other state-related matter, I've included my contact information below.

Sincerely,

Laura Stoken
Constituent Relations Division
Executive Office of the Governor, Rick Snyder
517.335.7858 (o)

From: Murray, David (GOV)
Sent: Tuesday, January 05, 2016 1:10 PM
To: Stoken, Laura (GOV)
Subject: Note about Flint water story

"We will cooperate fully with any requests from the U.S. Attorney's Office as it looks into Flint's water challenges. Gov. Snyder has appointed an independent panel that is reviewing all state, local and federal actions related to the situation. We are committed to working with Mayor Karen Weaver and county leaders as we focus on protecting the health of Flint residents and all Michiganders."

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]obile
Twitter:@michigandmurray

From: Murray, David (GOV)
Sent: Tuesday, January 05, 2016 2:12 PM
To: Heaton, Anna (GOV); Biehl, Laura (GOV); Stoken, Laura (GOV)
Subject: FW: Detroit News request for comment on Common Cause Michigan's call for all Flint documents protected by FOIA

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted], mobile
Twitter:@michigandmurray

From: Murray, David (GOV)
Sent: Tuesday, January 05, 2016 2:11 PM
To: 'Burr, Richard' <RBurr@detroitnews.com>
Subject: RE: Detroit News request for comment on Common Cause Michigan's call for all Flint documents protected by FOIA

Hi Richard,

The Governor is proud of the efforts his office has made to increase transparency and accountability, including dashboards featuring metrics for each department and creation of a citizen's guide to how state and local governments spend money. We're always focusing on continuous quality improvement in this area.

The Governor also has promised complete cooperation with the independent Flint Water Task Force that is reviewing all state, local and federal actions related to the situation as the administration focuses on the health and welfare of people in Flint and across the state.

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted] mobile
Twitter:@michigandmurray

From: Burr, Richard [mailto:RBurr@detroitnews.com]
Sent: Tuesday, January 05, 2016 2:00 PM
To: Murray, David (GOV) <MurrayD1@michigan.gov>
Subject: Detroit News request for comment on Common Cause Michigan's call for all Flint documents protected by FOIA

Dave,
I just need the statement you gave to MLive, Flint Journal about the Common Cause call for Gov/ Rick Snyder to drop his executive privilege and release all documents and correspondence connected to the Flint water crisis.

Richard Burr
Politics and Government Editor
The Detroit News
160 W. Fort St.
Detroit, MI 48226
(313) 222-2294
rburr@detroitnews.com

From: Stoken, Laura (GOV)
Sent: Monday, November 09, 2015 4:16 PM
To: Weir, Elizabeth (GOV); Kras, Jason (GOV); Byrd, John (GOV); Kica, Beata (GOV); Robinson, Judy (GOV)
Cc: Hartwell, Helen (GOV); Adamczyk, Lynne (GOV)
Subject: FW: Flint water school testing results - TODAY
Attachments: School results PR.docx

Importance: High

FYI

From: Wurfel, Sara (GOV)
Sent: Monday, November 09, 2015 3:48 PM
To: Walsh, John (GOV) <WalshJ@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Ackerman, Darin (GOV) <ackermand3@michigan.gov>; Lange, Michelle (GOV) <LangeM3@michigan.gov>; Stoken, Laura (GOV) <Stokenl@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Mcbride, Bill (GOV) <mcbrideb@michigan.gov>
Subject: FW: Flint water school testing results - TODAY
Importance: High

Making sure you guys are in the loop too.

Holler with any Qs or if you need anything else at all.

From: Wurfel, Sara (GOV)
Sent: Monday, November 09, 2015 3:47 PM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>
Cc: Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>; Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Scott, Allison (GOV) <scotta12@michigan.gov>
Subject: FW: Flint water school testing results - TODAY
Importance: High

Please see below and attached release per brief convo at senior staff. Sill no exact word on timing of blood lead level data from DHHS – hopefully by late this week.

DEQ also has video that they'll be using for some footage of the testing with TV stations. Link here: https://youtu.be/Amy4cDW7RtA

Freeman Elementary water testing shows lead exposure limited to fixtures

Experts release water testing results on schools and homes in Flint

As part of Gov. Rick Snyder's action plan for Flint drinking water, the DEQ today released water testing data from nearly 400 homes and businesses in Flint as well as comprehensive sampling results from Freeman Elementary School.

Both sets of data indicate the problems with lead are localized to individual buildings or even individual faucets, rather than system-wide issues.

"The results from this data underline the need for water testing at all homes, businesses, schools and other buildings in Flint," said George Krisztian, the DEQ's Flint Action Plan Coordinator. "Problems with lead exposure appear to be localized to individual service lines or plumbing fixtures, and we want to see all families in Flint take advantage of free water testing from the state."

Freeman Elementary testing results
At Freeman Elementary, 31 faucets were tested using a series of four samples each. Twenty-two outlets did not show elevated lead exposure, but nine faucets came back with initially high results.

Those nine outlets involve brass components, indicating the problem involves the fixtures or plumbing immediately surrounding the fixture. When the faucets and fountains were operated for several minutes, lead levels fell significantly, in some cases to non-detectable levels.

Additional testing designed to look deep into the school's plumbing did not suggest larger, systemic issues.

Freeman Elementary has several options for remedying the issues at these nine faucets and fountains. The school can elect not to use those particular fountains, or implement a formalized flushing regimen. The sampling results indicate that for all but one tap, a 3- to 4-minute flushing period each morning would drastically reduce lead exposure.

For a permanent solution, the school should opt to replace the faucets and fountains of concern.

"The safety and health of our students are our primary concern at Flint Community Schools, so we will start work as soon as possible to replace faucets, aerators and other related components where high lead levels were detected," FCS Superintendent Bilal Tawwab said. "Once those fixes have been made, the DEQ has offered to provide additional testing of the water at Freeman Elementary to ensure the water from every sample is safe for our students. Flint Community Schools appreciates the efforts by the DEQ, working with all stakeholders to make sure our water continues to be tested and that our students have access to safe, clean drinking water."

For Freeman Elementary's complete sampling results and more information about how sampling was conducted, visit www.michigan.gov/flintwater.

The DEQ and the DLARA also have conducted sampling at other Flint schools, and results will soon be available on the DEQ's website. Additionally, the state will test every other school in the Flint Community Schools district, as well as any school or daycare in the city. Interested schools and daycare centers should contact George Krisztian at krisztiang@michigan.gov.

Homeowner and other customer-requested testing results
Results from the 381 samples from homes, businesses, schools and other facilities that took advantage of free water testing through the state showed similar, localized results. More than 75 percent of the samples analyzed demonstrated lead results of 5 parts per billion or less, and more than 91 percent demonstrated lead results of 15 parts per billion or less.

This data suggests that while some homes experience elevated lead level results due to lead service lines or in-home plumbing, many other homes experience little to no lead. This can make it difficult for homeowners and businesses to predict their lead exposure.

"Since it's not easy to predict if an individual home's water is at risk for lead, the best thing all residents can do is get their water tested," Krisztian said. "It's a free test that provides valuable information for families."

Testing is available for free by contacting the Flint Water Plant at 810-787-6537 and pressing 1, or by emailing flintwater@cityofflint.com.

For more information about water samples received through the state's free testing program, visit www.michigan.gov/flintwater.

How school sampling was conducted
To conduct this comprehensive sampling, the DEQ and Michigan Department of Licensing and Regulatory Affairs began on Oct. 23 with a thorough plumbing assessment of the school to gain a comprehensive understanding of how water moves through the building and what types of plumbing materials are used. The assessment also identified 31 faucets or fountains in the school that provide water for drinking, cooking and/or food preparation.

On Oct. 24, the DEQ and DLARA took four, 125-milliliter samples from each of the 31 identified faucets and fountains. The first two samples were taken immediately after turning on the faucet, followed by a 30-second flush and then the third sample, followed by a 2-minute flush and then the fourth sample. These samples provided information on the impact of any lead sources in or around each specific faucet and fountain as well as its connecting plumbing.

On Oct. 31, the DEQ and DLARA took an additional 30 samples, 10 each from three sites in the school. These 1-liter samples were taken consecutively, and provided information about the impact of any lead sources deep in the building's plumbing.

From: Brown, Jessica (GOV)
Sent: Monday, November 09, 2015 2:44 PM
To: Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>
Cc: Agen, Jarrod (GOV) <AgenJ@michigan.gov>
Subject: FW: Flint water school testing results - 3 PM

Saw Dave was on this but since he's on the road, thought you should definitely see as well. DEQ is planning to issue at 3 p.m.

This is the first I've seen a draft but Dave may have been looped in on the back end. Looks ok and pretty thorough to me. If you need help trying to track any background info down let me know. Happy to reach out.

From: Tommasulo, Karen (DEQ)
Sent: Monday, November 09, 2015 2:31 PM
To: Lasher, Geralyn (DHHS) <lasherg@michigan.gov>; Eisner, Jennifer (DHHS) <EisnerJ@michigan.gov>; Edgerton, Shelly (LARA) <Edgerton51@michigan.gov>; Dykema, Linda D. (DHHS) <DykemaL@michigan.gov>; Wells, Eden (DHHS) <WellsE3@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>; Brown, Jessica (GOV) <BrownJ53@michigan.gov>; Wurfel, Brad (DEQ) <WurfelB@michigan.gov>; Feuerstein, Heather (DEQ) <FeuersteinH@michigan.gov>
Subject: School testing results

We're planning to put out this press release along with a video and the full results of the school and homeowner testing around 3 today. George Krisztian is taking calls.

Karen Tommasulo
Public Information Officer
Michigan Department of Environmental Quality

[redacted]
tommasulok@michigan.gov

Michigan Department of Environmental Quality
News Release

Nov. 9, 2015

For More Information:
George Krisztian, [redacted] krisztiang@michigan.gov

Freeman Elementary water testing shows lead exposure limited to fixtures

Experts release water testing results on schools and homes in Flint

As part of Gov. Rick Snyder's action plan for Flint drinking water, the DEQ today released water testing data from nearly 400 homes and businesses in Flint as well as comprehensive sampling results from Freeman Elementary School.

Both sets of data indicate the problems with lead are localized to individual buildings or even individual faucets, rather than system-wide issues.

"The results from this data underline the need for water testing at all homes, businesses, schools and other buildings in Flint," said George Krisztian, the DEQ's Flint Action Plan Coordinator. "Problems with lead exposure appear to be localized to individual service lines or plumbing fixtures, and we want to see all families in Flint take advantage of free water testing from the state."

Freeman Elementary testing results
At Freeman Elementary, 31 faucets were tested using a series of four samples each. Twenty-two outlets did not show elevated lead exposure, but nine faucets came back with initially high results.

Those nine outlets involve brass components, indicating the problem involves the fixtures or plumbing immediately surrounding the fixture. When the faucets and fountains were operated for several minutes, lead levels fell significantly, in some cases to non-detectable levels.

Additional testing designed to look deep into the school's plumbing did not suggest larger, systemic issues.

Freeman Elementary has several options for remedying the issues at these nine faucets and fountains. The school can elect not to use those particular fountains, or implement a formalized flushing regimen. The sampling results indicate that for all but one tap, a 3- to 4-minute flushing period each morning would drastically reduce lead exposure.

For a permanent solution, the school should opt to replace the faucets and fountains of concern.

"The safety and health of our students are our primary concern at Flint Community Schools, so we will start work as soon as possible to replace faucets, aerators and other related

components where high lead levels were detected," FCS Superintendent Bilal Tawwab said. "Once those fixes have been made, the DEQ has offered to provide additional testing of the water at Freeman Elementary to ensure the water from every sample is safe for our students. Flint Community Schools appreciates the efforts by the DEQ, working with all stakeholders to make sure our water continues to be tested and that our students have access to safe, clean drinking water."

For Freeman Elementary's complete sampling results and more information about how sampling was conducted, visit www.michigan.gov/flintwater.

The DEQ and the DLARA also have conducted sampling at other Flint schools, and results will soon be available on the DEQ's website. Additionally, the state will test every other school in the Flint Community Schools district, as well as any school or daycare in the city. Interested schools and daycare centers should contact George Krisztian at krisztiang@michigan.gov.

Homeowner and other customer-requested testing results
Results from the 381 samples from homes, businesses, schools and other facilities that took advantage of free water testing through the state showed similar, localized results. More than 75 percent of the samples analyzed demonstrated lead results of 5 parts per billion or less, and more than 91 percent demonstrated lead results of 15 parts per billion or less.

This data suggests that while some homes experience elevated lead level results due to lead service lines or in-home plumbing, many other homes experience little to no lead. This can make it difficult for homeowners and businesses to predict their lead exposure.

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On Oct. 31, the DEQ and DLARA took an additional 30 samples, 10 each from three sites in the school. These 1-liter samples were taken consecutively, and provided information about the impact of any lead sources deep in the building's plumbing.

From: Stoken, Laura (GOV)
Sent: Monday, November 16, 2015 9:03 AM
To: Redford, James (GOV)
Cc: Thomet, Ruth (GOV)
Subject: FW: Safe Drinking Water Act Notice of Intent to Sue
Attachments: 2015-11-16-SDWA-Notice of Intent to Sue-Flint-FINAL.PDF

Importance: High

Good morning sir,

Please see below (attached) correspondence that came into the Governor's public facing e-mail box. I am forwarding onto you for action determination.

Please let me know if I am sending it you by mistake.

Thanks,

Laura

From: Chaudhary, Dimple [mailto:dchaudhary@nrdc.org]
Sent: Monday, November 16, 2015 9:00 AM
To: Snyder, Rick (GOV) <[redacted]
Subject: Safe Drinking Water Act Notice of Intent to Sue

Dear Governor Snyder,

Attached please find a Notice of Intent to sue under the federal Safe Drinking Water Act for failure to control lead in drinking water in Flint, Michigan, and failure to assist Michigan schools with lead testing and remediation. We have also sent you the Notice and a CD of exhibits today by certified mail, return receipt requested.

Best regards,

Dimple Chaudhary

Dimple Chaudhary, Senior Attorney*
Natural Resources Defense Council
1152 15th Street NW, Suite 300, Washington, DC 20005
Tel. 202.289.2385 | email: dchaudhary@nrdc.org

*admitted in the District of Columbia and New York

PRIVILEGE AND CONFIDENTIALITY NOTICE
This message is intended only for the addressee and may contain information that is privileged, confidential, and exempt from disclosure under law. If you are not the intended recipient, please notify me immediately by email and delete the original message.

November 16, 2015

By Certified Mail, Return Receipt Requested

City of Flint
Attn: Mayor Karen Williams Weaver
1101 South Saginaw Street
Flint, MI 48502
mayor@cityofflint.com

Governor Rick Snyder
P.O. Box 30013
Lansing, MI 48909
contactmichigan@state.mi.us

Director Dan Wyant
Michigan Department of Environmental Quality
Constitution Hall
525 West Allegan Street
P.O. Box 30473
Lansing, MI 48909-7973
WyantD@michigan.gov

Treasurer Nick A. Khouri
Michigan Department of Treasury
Richard H. Austin Building
430 West Allegan Street
Lansing, MI 48922
KhouriN@michigan.gov

RTAB Chairperson Frederick Headen
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RTAB Member Beverly Walker-Griffea
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Flint, MI 48502
b.walkergriffea@mcc.edu

City Administrator Natasha Henderson
Flint City Hall
1101 South Saginaw Street
Flint, MI 48502
nhenderson@cityofflint.com

Re: Notice of Intent to Sue Under the Safe Drinking Water Act, 42 U.S.C. § 300j-8(b)(1)(a), for Failure to Control Lead in Drinking Water in Flint, Michigan, and Failure to Assist Michigan Schools with Lead Testing and Remediation

We write on behalf of Concerned Pastors for Social Action, Melissa Mays, the American Civil Liberties Union of Michigan (ACLU of Michigan), and the Natural

Resources Defense Council (NRDC), nonprofit citizens' organizations and individuals working to secure safe drinking water for the residents of Flint, Michigan. Since April 2014, the City of Flint and Michigan state officials have failed to monitor and control for lead in Flint's drinking water, and to maintain a program to assist Michigan schools with lead testing and remediation, in violation of the Safe Drinking Water Act, 42 U.S.C. § 300f et seq. This letter provides notice pursuant to 42 U.S.C. § 300j-8(b)(1)(a) that we intend to sue the City of Flint; Rick Snyder, Governor of Michigan; Dan Wyant, Director of Michigan Department of Environmental Quality; Nick A. Khouri, Treasurer of Michigan; Frederick Headen, Chairperson of the Flint Receivership Transition Advisory Board (Board); Brian Larkin, David McGhee, Robert McMahan, and Beverly Walker-Griffea, Members, RTAB; and Natasha Henderson, Flint City Administrator, if these violations are not remedied within sixty days.[1]

Concerned Pastors for Social Action is an association of religious leaders from more than thirty churches and ministries in the Flint area that has advocated for the rights of the underserved for nearly fifty years. Melissa Mays is a Flint resident whose family has suffered from serious health problems as a result of the City's failure to provide safe drinking water. The ACLU of Michigan works in courts, legislatures, and communities to preserve the protections that our laws guarantee to all citizens. NRDC is a national membership organization committed to protecting public health and the environment and to reducing the exposure of all communities to toxic chemicals. These groups and individuals continue to be harmed by the violations of the Safe Drinking Water Act by the City and Michigan state officials, detailed below.

I. City and State officials have exposed and continue to expose Flint residents to dangerous amounts of lead in drinking water

A. The City, Emergency Manager, and State Treasurer chose the Flint River as a primary drinking-water source

In the fall of 2011, Michigan Governor Rick Snyder declared a financial emergency in the City of Flint and appointed an emergency manager to take control of the City's operations and finances.[2] Flint Mayor Dayne Walling and the City Council were stripped of all authority except as specifically allowed by the Emergency Manager, and the City was placed in state receivership.[3] Under Michigan's Local Financial Stability and Choice Act, an

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[1] These individuals are noticed in their official capacities.

[2] *See* Mich. Comp. Laws § 141.1549; Letter from Gov. Rick Snyder to Mayor Dayne Walling and Flint City Council (Nov. 8, 2011), http://www.michigan.gov/documents/treasury/Flint-GovernorsDetermination-11-8-11_417435_7.pdf (attached as Ex. 1); Dawson Bell, *Governor names Flint native as city's emergency financial manager*, Detroit Free Press, Nov. 30, 2011, http://www.freep.com/article/20111130/NEWS06/111300370/Governor-names-Flint-native-city-s-emergency-financial-manager (attached as Ex. 2).

[3] Mich. Comp. Laws § 141.1549(2).

Emergency Manager has "broad powers" to "rectify the financial emergency and to assure fiscal accountability of the local government."[4]

While under control of the Emergency Manager, the City faced decisions about the future of its drinking-water supply. For fifty years, the City had purchased drinking water from the Detroit Water and Sewerage Department (Detroit), which sources water from Lake Huron.[5] In response to rising water rates charged by Detroit, in March 2013, the City Council voted to join the Karegnondi Water Authority (KWA), a newly formed municipal water supply system. The KWA was planning to build a pipeline to distribute water directly from Lake Huron to mid-Michigan communities, including Genesee County, where Flint is located.[6] The City Council's vote did not become effective until several weeks later, after both the Emergency Manager and State Treasurer approved the decision.[7]

The City's contract with Detroit was set to expire in April 2014, at least eighteen months before the KWA pipeline was scheduled to be completed.[8] Faced with a year-and-a-half gap in the City's water supply, the Emergency Manager declined to negotiate a short-term contract with Detroit and decided instead to use the Flint River as a primary drinking-water source.[9] The City had previously explored—and rejected—the Flint River as a primary drinking-water source. This is because the Flint Water Treatment Plant would have required fifty million dollars in upgrades to treat the river water and "produce finished water in conformance with the current federal and state drinking water regulations."[10]

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[4] *Id.*

[5] *See* Dominic Adams, *Closing the valve on history: Flint cuts water flow from Detroit after nearly 50 years*, Michigan Live, Apr. 25, 2014, http://www.mlive.com/news/flint/index.ssf/2014/04/closing_the_valve_on_history_f.html (attached as Ex. 3).

[6] Steve Carmody, *Flint opting to get its future tap water from Lake Huron*, Michigan Radio, Mar. 25, 2013, http://michiganradio.org/post/flint-opting-get-its-future-tap-water-lake-huron#stream/ (attached as Ex. 4); Karegnondi Water Authority, About, http://www.karegnondi.com/#!about/c20r9 (last visited Nov. 13, 2015) (attached as Ex. 5).

[7] *See* Mich. Comp. Laws § 141.1552(1)(g), (3); Emergency Manager, Resolution to Purchase Capacity from Karegnondi Water Authority (adopted Mar. 29, 2013) (attached as Ex. 6); Letter from Andy Dillon, State Treasurer, to Edward Kurtz, Emergency Manager (Apr. 11, 2013) (authorizing Emergency Manager to enter into contract with KWA) (attached as Ex. 7).

[8] Sarah Schuch, *KWA pipeline work continues as Flint water lead concerns rise*, Michigan Live, Sept. 25, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/kwa_pipeline_projected_to_be_c.html (attached as Ex. 8); *see* Ron Fonger, *Detroit gives notice: It's terminating water contract covering Flint, Genesee County in one year*, Michigan Live, Apr. 19, 2013, http://www.mlive.com/news/flint/index.ssf/2013/04/detroit_gives_notice_its_termi.html (attached as Ex. 9).

[9] Letter from Darnell Earley, Emergency Manager, to Sue McCormick, Detroit Water & Sewer Dep't (Mar. 7, 2014) (explaining that the City "has actively pursued using the Flint River as a temporary water source" instead of accepting Detroit's offer to provide water to the City) (attached as Ex. 10).

[10] Cost of Service Study (2011), Appendix 8 to Analysis of the Flint River as a Permanent Water Supply for the City of Flint, http://www.scribd.com/doc/64382181/Analysis-of-the-Flint-River-as-a-Permanent-Water-Supply-for-the-City-of-Flint-July-2011-Appendices-1-to-8 (attached as Ex. 11);

Under the Safe Drinking Water Act's Lead and Copper Rule, Flint's water system could not use the Flint River as a water source without first obtaining approval from the Michigan Department of Environmental Quality (MDEQ). The Lead and Copper Rule required MDEQ to approve both the City's proposed addition of a new water source (the Flint River) and the long-term change in water treatment (from treatment through Detroit's water plant to treatment at the Flint Water Treatment Plant).[11] In April 2014, MDEQ approved the switch to river water.[12] The City immediately began pumping Flint River water through the City's distribution pipes and into residents' taps.

B. Dangerous lead contamination results from the City's switch to river water

In the twenty months following the switch in water sources, residents' drinking water has been at times cloudy, discolored, and foul-smelling.[13] Residents reported that they have experienced hair loss, skin rashes, and vomiting after drinking the water.[14] In the summer of 2014, the City was forced to issue several boil-water notices after tap water tested positive for total coliform bacteria.[15] The City's subsequent treatment of the water to kill disease-carrying pathogens resulted in elevated levels of total trihalomethanes, a disinfection byproduct that can cause serious health problems, including an increased risk of cancer.[16]

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see also Kristin Longley, *Water pipeline v. Flint River: City of Flint studying its drinking water options*, Michigan Live, Jan. 22, 2011, http://www.mlive.com/news/flint/index.ssf/2011/01/water_pipeline_vs_flint_river.html (attached as Ex. 12); Dominic Adams, *Flint River now an option for drinking water following Detroit's termination of contract*, Michigan Live, July 23, 2013, http://www.mlive.com/news/flint/index.ssf/2013/07/city_readying_water_plant_to_t.html (quoting city officials' explanation for rejecting use of Flint River: "upgrades to Flint's water plant would be too expensive, the river didn't provide enough capacity to serve Flint residents' water needs and the Michigan Department of Environmental Quality would not allow it") (attached as Ex. 13).

[11] 40 C.F.R. § 141.90(a)(3); *see also id.* § 141.81(a)-(b).

[12] *See* Adams, *Closing the valve on history*, *supra* note 5 (Ex. 3).

[13] *See* Curt Guyette, *In Flint, Michigan, Overpriced Water is Causing People's Skin to Erupt in Rashes and Hair to Fall Out*, The Nation, July 16, 2015, http://www.thenation.com/article/in-flint-michigan-overpriced-water-is-causing-peoples-skin-to-erupt-and-hair-to-fall-out/ (attached as Ex. 14); Wenonah Hauter, *Flint's Brown Water Blues*, Huffington Post, July 10, 2015, http://www.huffingtonpost.com/wenonah-hauter/flints-brown-water-blues_b_7765132.html (attached as Ex. 15).

[14] Laura Gottesdiener, *Flint, Mich., residents find state water control hard to swallow*, Al Jazeera America, Apr. 3, 2015, http://america.aljazeera.com/articles/2015/4/3/flint-residents-find-state-water-control-hard-to-swallow.html (attached as Ex. 16).

[15] Ron Fonger, *Flint issues boil water advisory for section of the city after positive test result for total coliform bacteria*, Michigan Live, Sept. 5, 2014, http://www.mlive.com/news/flint/index.ssf/2014/09/flint_issues_boil_water_adviso.html (attached as Ex. 17).

[16] Robin Erb, *Who wants to drink Flint's water?*, Detroit Free Press, Jan. 23, 2015, http://www.freep.com/story/news/local/michigan/2015/01/22/water-woes-latest-hit-flint/22193291/ (attached as Ex. 18); Mich. Dep't of Envtl. Quality, Violation Notice—Maximum Contaminant Level for Total Trihalomethanes (Dec. 16, 2014) (attached as Ex. 19); U.S. EPA, Basic Information about Disinfection Byproducts in Drinking Water, http://water.epa.gov/drink/contaminants/basicinform

Because Flint River water is also highly corrosive, dangerous amounts of lead began to leach out of pipes and into the City's drinking water.[17] Lead in drinking water occurs primarily from corrosion of pipes and other plumbing materials that contain lead or lead solder.[18] The Lead and Copper Rule requires water systems to manage lead levels by controlling corrosion, which is often accomplished by adding corrosion-inhibiting chemicals.[19] Water systems must implement and maintain an "optimal" corrosion-control treatment program that "minimizes the lead . . . concentrations at users' taps."[20]

Flint did not consider how to control the corrosivity of the river water before switching water sources, nor did MDEQ require the City to implement any corrosion-control measures. Rather, beginning in April 2014, the City did not use any form of treatment to control corrosion.[21] The City waited until after its residents were drinking the river water to assess whether it posed a risk of increased lead exposure. MDEQ endorsed this approach. In June 2014, Flint's water system initiated the first of two six-month monitoring periods to test tap water for lead under the Lead and Copper Rule; the second six-month period ran from January to June 2015.[22] During these monitoring periods, the water system used flawed testing methods that appear to have been designed to underreport the lead content of residents' drinking water.[23]

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ation/disinfectionbyproducts.cfm (last updated Dec. 13, 2013) (attached as Ex. 20); *see also* 40 C.F.R. § 141.64(b).

[17] Marc Edwards, *Test Update: Flint River water 19X more corrosive than Detroit water for Lead Solder; Now What?*, Flint Water Study (Sept. 11, 2015), http://flintwaterstudy.org/2015/09/test-update-flint-river-water-19x-more-corrosive-than-detroit-water-for-lead-solder-now-what/ (attached as Ex. 21); Marc Edwards, *Flint River water is very corrosive to lead, and causing lead contamination in homes*, Flint Water Study (Sept. 2, 2015), http://flintwaterstudy.org/2015/09/flint-rivers-water-is-very-corrosive-to-lead-and-causing-lead-contamination-in-homes/ (attached as Ex. 22). The river water is so corrosive that in October 2014, a local GM engine plant decided to switch back to Lake Huron water to avoid damage to equipment at the plant from corrosion. Brianna Owczarzak, *GM says no to Flint water*, WNEM, Oct. 14, 2014, http://www.wnem.com/story/26785625/gm-says-no-to-flint-water (attached as Ex. 23).

[18] *See* Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper, 56 Fed. Reg. 26,460, 26,464 (June 7, 1991).

[19] *See* 40 C.F.R. § 141.82.

[20] *Id.* §§ 141.2; 141.80(d).

[21] *See* Email from Pat Cook, MDEQ, to Miguel Del Toral, U.S. EPA (Apr. 24, 2015) (attached as Ex. 24).

[22] *See* 40 C.F.R. § 141.86; Email from Pat Cook, *supra* note 21 (Ex. 24).

[23] *See infra* pp. 11-13.

Flint's monitoring data showed that some residents' water contained lead at concentrations above the federal "action level" of 15 parts per billion (ppb).[24] These high lead levels put residents at risk of a broad array of serious, irreversible health effects, including cognitive impairment, kidney damage, and increased blood pressure.[25] When the Environmental Protection Agency (EPA) learned of these high lead sampling results in February 2015, it notified MDEQ officials that the sampling results raised significant concerns about corrosion from lead pipes in Flint's distribution system.[26] Nonetheless, throughout the monitoring periods, the City and MDEQ maintained that these high lead levels were isolated and that the data, taken together, demonstrated Flint's compliance with the Lead and Copper Rule.[27]

C. Community advocacy and independent testing prompt long past due response from City and State officials

As the City concluded its second six-month round of sampling in July 2015, and notified some Flint residents of elevated lead levels in their tap water, the community became increasingly concerned. A small coalition of local groups, including Water You Fighting For and Concerned Pastors for Social Action, began working with researchers at Virginia Tech to conduct their own lead sampling of Flint's water. The Virginia Tech scientists found that ten percent of the more than 250 samples collected from Flint residences had lead levels of 25 ppb or more, well above the federal action level for lead.[28] Several samples exceeded 100 ppb, and one sample exceeded 1000 ppb.[29] Though aware of

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[24] *See* Mich. Dep't of Envtl. Quality, Lead and Copper Report and Consumer Notice of Lead Result Certificate for Community Water Supply (Aug. 20, 2015) (showing six samples with lead levels over the action level) (attached as Ex. 25); 40 C.F.R. § 141.80(c)(1).

[25] *See, e.g.*, U.S. EPA, Integrated Science Assessment for Lead tbl.ES-1 (June 2013) (attached as Ex. 26); U.S. EPA, Basic Information About Lead in Drinking Water, http://water.epa.gov/drink/contaminants/basicinformation/lead.cfm (last updated June 26, 2015) (explaining that "[i]nfants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development," and that "[a]dults who drink this water over many years could develop kidney problems or high blood pressure") (attached as Ex. 27); *see also* National Ambient Air Quality Standards for Lead, 80 Fed. Reg. 278, 290 (Jan. 5, 2015).

[26] *See, e.g.*, Email from Jennifer Crooks, U.S. EPA, to Stephen Busch, MDEQ, and Mike Prysby, MDEQ (Feb. 26, 2015) (attached as Ex. 28).

[27] *See* Nancy Kaffer, *MDEQ e-mails show stunning indifference to Flint peril*, Detroit Free Press, Oct. 22, 2015, http://www.freep.com/story/opinion/columnists/nancy-kaffer/2015/10/21/indifference-characterized-state-approach-flint-water/74289430/ (attached as Ex. 29).

[28] *Flint Town Hall Meeting Presentation and Distribution of lead results across Flint by ward and zip codes*, Flint Water Study, Sept. 16, 2015, http://flintwaterstudy.org/2015/09/distribution-of-lead-results-across-flint-by-ward-and-zip-codes/ (attached as Ex. 30); Ron Fonger, *Virginia Tech professor says Flint's tests for lead in water can't be trusted*, Michigan Live, Sept. 15, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/virginia_tech_researcher_says.html (attached as Ex. 31).

[29] Marc Edwards et al., *Lead testing results for water sampled by residents,* Flint Water Study, Sept. 28, 2015, http://flintwaterstudy.org/information-for-flint-residents/results-for-citizen-testing-for-lead-300-kits/ (attached as Ex. 32).

the Virginia Tech sampling results, MDEQ officials continued to insist that Flint's water was safe to drink.[30]

In September 2015, a medical study conducted by a local pediatrician confirmed the kinds of adverse health impacts that residents had voiced concern about for months: the rate of Flint children with elevated blood lead levels had nearly doubled since the City changed its drinking-water source.[31] State officials and the Governor reacted by "downplay[ing] and in some cases attempt[ing] to discredit" the pediatrician's findings, and dismissing citizen concerns as "near-hysteri[cal]."[32]

Subsequent testing by MDEQ revealed that at least four schools in Flint had lead levels in their drinking water above the federal action level.[33] At Freeman Elementary School, water tested had lead levels over 100 ppb, more than six times the federal action level.[34] This increase in lead exposure is particularly dangerous in Flint, a community where residents are already at higher risk of elevated blood lead levels and lead poisoning. Michigan ranks fifth worst in the country for harmful exposures to lead.[35] Low income is a risk factor for lead poisoning, and more than a third of families in Flint live below the poverty level, three times the national average.[36] Children in Flint also face high risk of lead

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[30] Ron Fonger, *Feds sending in experts to help Flint keep lead out of water*, Michigan Live, Sept. 10, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/university_researchers_dont_dr.html (attached as Ex. 33).

[31] *Pediatric Lead Exposure in Flint, MI: Concerns from the Medical Community* (PowerPoint Presentation) (presented on Sept. 24, 2015), *available at* http://flintwaterstudy.org/2015/09/pediatric-lead-exposure-presentation-from-hurley-medical-center-doctors-concerning-flint-mi/ (attached as Ex. 34).

[32] *Study suggests Flint's water causing increased lead poisoning*, Michigan Radio, Sept. 28, 2015, http://michiganradio.org/post/study-suggests-flints-water-causing-increased-lead-poisoning#stream/0 (attached as Ex. 35); Ron Fonger, *State says data shows no link to Flint River, elevated lead in blood,* Michigan Live, Sept. 24, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/state_says_its_data_shows_no_c.html (attached as Ex. 36); *Did this Michigan Town Poison its Children?*, U.S. News & World Report, Sept. 24, 2015, http://www.usnews.com/news/articles/2015/09/25/flint-michigan-children-show-high-levels-of-lead-in-blood (attached as Ex. 37).

[33] Steve Carmody, *Four Flint schools have high lead levels in their water*, Michigan Radio, Oct. 8, 2015, http://michiganradio.org/post/four-flint-schools-have-high-lead-levels-their-water (attached as Ex. 38).

[34] *Id.*

[35] Ctrs. for Disease Control & Prevention, *Public Health in Action: Lead Poisoning Prevention in Michigan* (last updated Feb. 4, 2013), http://www.cdc.gov/nceh/information/healthy_homes_lead.htm (attached as Ex. 39).

[36] 2009-2013 American Community Survey 5-Year Estimates, 2013, *available at* http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml (enter "Flint, MI" in the box under "Community Facts," click on "Income" on left-side bar, then click "Selected Economic Characteristics" under "2013 American Community Survey") (table attached as Ex. 40 compares data from Flint, Michigan, to Michigan and the United States).

exposure from lead-paint dust, as nearly ninety percent of Flint's housing stock was built before 1978 (when the federal ban on high-lead paint went into effect).[37]

Finally, in late September 2015, the City abandoned its assertions that Flint's drinking water was safe. Nearly seven months after the City first saw dangerously high levels of lead in some residents' water, Flint issued a drinking-water advisory and called for state financial assistance to switch the water system back to Detroit's supply.[38] Two weeks later, Governor Snyder requested six million dollars from the state legislature to reconnect the Flint water system to Detroit.[39] With additional funding from the City and a private foundation, the switch was completed in mid-October.[40]

Following the switch back to Detroit water, some government officials began to ask questions about what went wrong in the course of Flint's change in water sources.[41] Governor Snyder created a task force to review water management and testing in Flint,[42] and EPA established its own task force "to provide the Agency's technical expertise through regular conversations" with the City and MDEQ.[43] Governor Snyder has also announced

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[37] *2012 Annual Data Report on Blood Lead Levels of Children in Michigan* 26 (Apr. 30, 2013), https://www.michigan.gov/documents/mdch/2012AnnualDataReportOnBloodLeadLevels_419508_7.pdf (attached as Ex. 41); Am. Cancer Soc'y, *Lead, Lead in the Environment,* http://www.cancer.org/cancer/cancercauses/othercarcinogens/athome/lead (last updated May 27, 2014) (explaining that lead paint is a "major" source of exposure) (attached as Ex. 42); Maj. Thomas F. Zimmerman, *The Regulation of Lead-Based Paint in Air Force Housing,* 44 A.F. L. Rev. 169, 174-75 (1998).

[38] *City of Flint Issues Lead Advisory*, City of Flint, Sept. 25, 2015, https://www.cityofflint.com/2015/09/25/city-of-flint-issues-lead-advisory/ (attached as Ex. 43); Steve Carmody, *Flint officials exploring return to Detroit water*, Michigan Radio, Sept. 28, 2015, http://michiganradio.org/post/flint-officials-exploring-return-detroit-water#stream/0 (attached as Ex. 44).

[39] John Wisely, *Snyder announces $12 million plan to fix Flint water*, Detroit Free Press, Oct. 8, 2015, http://www.freep.com/story/news/local/michigan/2015/10/08/snyder-flint-water-reconnect/73567778/ (attached as Ex. 45).

[40] Amanda Emery, *Flint reconnects to Detroit water, may take 3 weeks to clear all pipes*, Michigan Live, Oct. 16, 2015, http://www.mlive.com/news/flint/index.ssf/2015/10/flint_reconnecting_to_detroit.html (attached as Ex. 46).

[41] *E.g.*, Letter from Sen. Jim Ananich, Mich. Senate Minority Leader, to Susan Hedman, U.S. EPA, and Gina McCarthy, U.S. EPA (Oct. 21, 2015) (attached as Ex. 47); Letter from Rep. Daniel Kildee, U.S. Congressman, to Gina McCarthy, U.S. EPA (Oct. 21, 2015) (attached as Ex. 48).

[42] Press Release, Gov. Rick Snyder, *Gov. Rick Snyder announces Flint Water Task Force to review state, federal and municipal actions, offer recommendations* (Oct. 21, 2015), http://www.michigan.gov/snyder/0,4668,7-277-57577_57657-367761--,00.html (attached as Ex. 49).

[43] Press Release, U.S. EPA, *EPA Establishes Safe Drinking Water Task Force to Provide Technical Expertise to MDEQ and City of Flint* (Oct. 16, 2015), http://yosemite.epa.gov/opa/admpress.nsf/0/A92DE629DB86E66685257EE000579593 (attached as Ex. 50).

plans to launch an "education campaign soon to help schools statewide learn how to get their water tested" for lead.[44]

Despite this proliferation of task forces and campaigns, neither the City nor MDEQ has announced changes in the City's lead monitoring practices in the wake of Flint's public-health crisis. Rather, Flint and MDEQ have maintained that these practices are accurate and adequate, despite the near certainty that they are underrepresenting lead contamination in many of Flint's high-risk homes.

II. City and State officials are in violation of the Safe Drinking Water Act's Lead and Copper Rule

The Safe Drinking Water Act (the Act) authorizes citizens to sue any governmental entity "who is alleged to be in violation of any requirement" under the statute.[45] These requirements include the national primary drinking-water regulations for lead and copper set forth in the Lead and Copper Rule.[46] The Lead and Copper Rule obligates water systems to monitor and control for lead in drinking water.[47]

Since April 2014, Flint's water system has failed to comply with the Lead and Copper Rule's requirements for monitoring water for lead, notifying the public of tap-water monitoring results, reporting monitoring results to MDEQ, and controlling corrosion from lead pipes.[48] These violations systematically result in the City's underestimating lead levels in its drinking water, masking a public-health crisis. The violations are ongoing and likely to recur in the future: Flint's water system presently is obligated to monitor for lead every six months, and there is no indication that Flint has changed or disavowed its inadequate approach to monitoring.[49]

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[44] *See* Lori Higgins, *Michigan to launch lead education effort statewide*, Detroit Free Press, Oct. 13, 2015, http://www.freep.com/story/news/local/michigan/2015/10/13/lead-water-flint-michigan-testing/73871480/ (attached as Ex. 51).

[45] 42 U.S.C. § 300j-8(a)(1).

[46] *See id.* § 300g-1(b)(1)(A); 40 C.F.R. § 141.80(a)(1).

[47] *See, e.g.*, 40 C.F.R. § 141.86.

[48] Flint's water system is subject to the requirements of the Lead and Copper Rule because it is a "community water system" not otherwise exempted from the regulations. 40 C.F.R. §§ 141.80(a)(1), 141.2.

[49] *See Tamaska v. City of Bluff City*, 26 F. App'x 482, 485 (6th Cir. 2002) (citing *Chesapeake Bay Found. v. Gwaltney of Smithfield*, 844 F.2d 170, 171–72 (4th Cir.1988)). A water system is required to monitor tap water for lead every six months if it (1) exceeds the action level for any monitoring period, or (2) "fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the State … for more than 9 days in any six-month period." 40 C.F.R. § 141.86(d)(4)(vi)(B). Flint's water system failed to maintain applicable values of orthophosphate and/or pH designated as the optimal water quality parameters by MDEQ. In addition, had the water system conducted monitoring in compliance with the Lead and Copper Rule during the January to June 2015 period, it likely would have exceeded the lead action level.

Under the Act, a "supplier of water" is "any person who owns or operates a public water system."[50] The City of Flint owns Flint's water system.[51] Upon information and belief, the State officials administering Flint's receivership and the City presently operate Flint's water system. As discussed above, Flint's Emergency Manager exercised the authority of the local government in the place of Flint's mayor and city council. The Emergency Manager managed the water system and conducted its affairs, including making the decision to use the Flint River as a primary drinking-water source.[52] In April 2015, Governor Snyder removed the Emergency Manager and appointed a Receivership Transition Advisory Board to oversee the City's affairs until the receivership is terminated.[53] The Board has control over the City's budget, and must approve all decisions adopted by the City Council.[54] The Michigan Local Financial Stability and Choice Act requires the State Treasurer to sit on a receivership transition advisory board for any municipality for which the governor appoints such a board, and Governor Snyder has appointed the State Treasurer (or his designee) to chair Flint's Board.[55] The City Administrator reports to the Board, manages the City's daily administrative operations, and directs City department heads in carrying out the daily activities of the City.[56] To date, the City remains in receivership, and its actions remain subject to approval of the Board.[57]

Accordingly, the City of Flint; Governor Snyder; Dan Wyant, Director of MDEQ; Nick A. Khouri, Treasurer of Michigan; Frederick Headen, Chairperson of the Flint Receivership Transition Advisory Board; Brian Larkin, David McGhee, Robert McMahan,

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[50] 42 U.S.C. § 300f(5).

[51] *See* City of Flint, Water System Update, Sept. 2015, https://www.cityofflint.com/wp-content/uploads/City-Council-Water-Presentation-9-14-2015.pdf (attached as Ex. 52).

[52] *See United States v. Twp. of Brighton*, 153 F.3d 307, 314 (6th Cir. 1998) (defining "operator" for purposes of CERCLA as an entity that "performed some affirmative acts," such as "directing the workings, managing, or conducting the affairs" of a facility) (internal quotation marks and alterations omitted); *cf. United States v. Alisal Water Corp.*, 114 F. Supp. 2d 927, 938 (N.D. Cal. 2000) (applying case law discussing CERCLA "operator" liability to the Safe Drinking Water Act context).

[53] Mich. Comp. Laws § 141.1563(1); Press Release, Gov. Rick Snyder, *Gov. Rick Snyder: City of Flint ready to move forward as financial emergency resolved*, Apr. 29, 2015, http://www.michigan.gov/snyder/0,4668,7-277-57577_57657-353433--,00.html (attached as Ex. 53); Emergency Manager Order 20 ¶¶ 4.a.6, 4.a.7 (adopted Apr. 25, 2015), https://www.cityofflint.com/wp-content/uploads/Order-No.-20.pdf (attached as Ex. 54).

[54] Emergency Manager Order 20 ¶¶ 4.a.6, 4.a.7, *supra* note 53 (Ex. 54).

[55] *See* Mich. Comp. Laws § 141.1563(2); Letter from Gov. Rick Snyder to Hon. Ruth Johnson, Mich. Sec'y of State (Apr. 29, 2015), http://michigan.gov/documents/treasury/Flint_RTAB_Appointments_488251_7.pdf (attached as Ex. 55).

[56] Emergency Manager Order 3 ¶¶ 4-6, 25 (adopted Apr. 10, 2015), https://www.cityofflint.com/wp-content/uploads/Order-No.-3.pdf (attached as Ex. 56). The City Administrator was appointed by the Emergency Manager and can be removed only with the Board's consent.

[57] *Id.*

and Beverly Walker-Griffea, Members of the Board; and Natasha Henderson, Flint City Administrator, are responsible for the violations of the Act by Flint's water system which have endangered and will continue to endanger the health of Flint's residents.

A. Flint's water system is in violation of the Lead and Copper Rule's tap-water monitoring, reporting, and notification requirements

The Lead and Copper Rule requires water systems to identify a pool of sampling sites prior to the commencement of a monitoring period.[58] This requirement is designed to target residences at high risk of lead contamination in drinking water, such as homes served by lead service lines.[59] In violation of the Rule, Flint's water system does not select sampling sites for lead monitoring based on a pre-established sampling pool. For Flint's most recent completed monitoring period, January–June 2015, the Director of the City's Department of Public Works admitted that Flint "thr[ew] bottles out everywhere just to collect as many [samples] as we can, to try and hit our number."[60] Similarly, email correspondence shows that the City has, during several monitoring periods, asked its own employees to submit tap-water samples, without regard to whether the employees were part of a pre-selected sampling pool.[61]

Under the Lead and Copper Rule, water systems that contain lead service lines also must draw fifty percent of their tap-water samples from sites served by a lead service line.[62] Flint's water system does not comply with this requirement. The water system reported to MDEQ that all the sample sites it used during the January–June 2015 monitoring period were residences served by lead service lines.[63] Flint's Utilities Administrator, however, admitted that he was not able to verify that all homes sampled were served by lead service lines.[64] This is because City records concerning the locations of lead service lines in the distribution system are stored on 45,000 paper notecards. Flint began converting these notecards into an electronic spreadsheet this fall, well after the January–June 2015 monitoring period.[65]

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[58] *See* 40 C.F.R. § 141.86(a).

[59] *Id.*

[60] *See* ACLU of Michigan, *Thirst for Truth: Who's to Blame for Flint Water Crisis?*, https://www.youtube.com/watch?t=9&v=LTO9irD2f0Y (posted Sept. 23, 2015).

[61] Email from Michael Glasgow, Flint Utilities Adm'r, to Flint municipal staff (June 1, 2015) (attached as Ex. 57).

[62] 40 C.F.R. § 141.86(a)(8).

[63] *See, e.g.*, City of Flint, Lead and Copper Report and Consumer Notice of Lead Result Certificate for Community Water Supply (July 28, 2015) [hereinafter July 28 Report] (attached as Ex. 58).

[64] *See* ACLU of Michigan, *Thirst for Truth: Who's to Blame for Flint Water Crisis?*, *supra* note 60.

[65] *See* Ron Fonger, *Flint data on lead water lines stored on 45,000 index cards*, Michigan Live, Oct. 1, 2015, http://www.mlive.com/news/flint/index.ssf/2015/10/flint_official_says_data_on_lo.html (attached as Ex. 59).

Flint's water system has also failed to sample the same sites across monitoring periods or document the reasons for declining to sample the same sites, as the Lead and Copper Rule requires.[66] Sampling new sites from one monitoring period to the next is permitted only if a site "is no longer accessible" to the water system or "no longer fits the requirements of a priority site."[67] Records show that in the January–June 2015 monitoring period, Flint's water system retested only thirteen of the one hundred sites it sampled in the previous monitoring period.[68] It did not provide the required explanation for these departures from the previous monitoring period's sampling sites.[69] Upon information and belief, Flint's water system concentrated its monitoring in areas where it anticipated low lead levels, due to recent infrastructure improvements, and selectively retested sites that had previously yielded low lead levels. Such selective sampling violates the Lead and Copper Rule's intention that water systems "do not use only those sampling locations with the lowest lead or copper levels."[70]

Flint's instructions to residents for the collection of tap-water samples also violate the Lead and Copper Rule. The Rule allows residents to collect the tap-water samples used to monitor lead in drinking water, so long as the water system instructs residents of the sampling procedures required by the regulations.[71] Tap-water samples must be "first-draw samples," meaning that the sample must be collected after water in the tap has stood motionless in the plumbing system for at least six hours.[72] Flint's instructions direct residents to flush their taps for five minutes prior to letting the water sit for the six required hours. This "pre-flushing" has been shown to "result in the minimization of lead capture and significant underestimation of lead levels in drinking water."[73] The water system's pre-flush instruction "negates the intent of the [Lead and Copper Rule] to collect compliance

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[66] 40 C.F.R. § 141.86(b)(4).

[67] U.S. EPA, *Lead and Copper Rule Monitoring and Reporting Guidance for Public Water Systems* 25 (Mar. 2010), http://water.epa.gov/lawsregs/rulesregs/sdwa/lcr/upload/Revised-Lead-and-Copper-Rule-Monitoring-and-Reporting-Guidance-for-Public-Water-Systems.pdf (attached as Ex. 60).

[68] *See* July 28 Report, *supra* note 63 (reporting that the same sample sites were not used) (Ex. 58); *see also* Curt Guyette, *Lead Astray: An ACLU of Michigan investigation has found a stream of irregularities in Flint's water tests*, Michigan Democracy Watch Blog, Sept. 14, 2015, http://aclumich.org/democracywatch/index.php/entry/lead-astray-an-aclu-of-michigan-investigation-has-found-a-stream-of-irregularities-in-flint-s-water-tests (attached as Ex. 61).

[69] 40 C.F.R. § 141.90(a)(1)(v).

[70] U.S. EPA, *Lead and Copper Rule Monitoring and Reporting Guidance for Public Water Systems*, *supra* note 67, at 25 (Ex. 60).

[71] 40 C.F.R. § 141.86(b)(2).

[72] *Id.* §§ 141.2, 141.86(b)(2).

[73] Mem. from Miguel Del Toral, U.S. EPA, to Thomas Poy, U.S. EPA, at 2 (June 24, 2015) (attached as Ex. 62).

samples under 'worst-case' conditions,"[74] and goes "against the intent of the monitoring protocol, since it changes the normal water use of the homeowners in the sample."[75]

Flint's water system is violating the Lead and Copper Rule's reporting requirements by representing to MDEQ that Flint's monitoring practices are in compliance with the Rule. The City's water system did not provide documentation to MDEQ justifying its selection of new sample sites in the January–June 2015 monitoring period, and, upon information and belief, is not accurately reporting information concerning whether sampled sites meet required regulatory criteria.[76]

The Lead and Copper Rule also requires Flint's water system to notify each resident whose tap water was sampled of the lead results.[77] Upon information and belief, Flint has failed and continues to fail to properly notify all residents whose tap water was tested for lead of the individual monitoring results.

B. Flint's water system has failed to maintain optimal corrosion-control treatment

The Lead and Copper Rule required all large public water systems, including Flint's water system, to install an "optimal corrosion control treatment" program by January 1, 1997.[78] After a system has optimized its corrosion-control treatment, the regulations require the system to "continue to operate and maintain optimal corrosion control treatment."[79] Since April 2014, Flint's water system has not maintained an optimal corrosion-control treatment program. Historically, the water system complied with the corrosion-control requirements by purchasing treated water from Detroit. When Flint switched its water source to the Flint River in April 2014, it did nothing to treat the Flint River water to control corrosion. This failure to maintain optimized corrosion control violates the Lead and Copper Rule.

Although Flint's water system has resumed its purchase of treated water from Detroit, it has not disavowed its erroneous interpretation of the Lead and Copper Rule's corrosion-control requirements. Nor has it committed to maintaining optimized corrosion control when it switches water sources again this summer to the KWA pipeline. Flint's water system's failure to maintain an optimized corrosion-control treatment program is likely to recur in the future.

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[74] *Id.*

[75] Letter from Cynthia Dougherty, U.S. EPA, to Ralph Scott, Alliance for Healthy Homes (Sept. 12, 2008) (attached as Ex. 63).

[76] *See* 40 C.F.R. § 191.90(a)(1)(i), (a)(1)(v); *supra* pp. 11-12.

[77] 40 C.F.R. § 141.85(d)(1).

[78] *Id.* § 141.81(d)(4).

[79] *Id.* § 141.82(g).

III. The State of Michigan's failure to maintain a schools testing and remediation program violates the Safe Drinking Water Act

The Act requires each state to establish a program "to assist" schools and day care centers in "testing for, and remedying, lead contamination in drinking water."[80] Test results must be made available at schools, with notification to parents and teachers.[81] Michigan, upon information and belief, does not maintain a program for school lead testing, remediation, and notification.[82] Accordingly, Governor Snyder and MDEQ Director Wyant are presently in violation of the Act's schools provision.[83]

IV. Intent to Sue

The City of Flint and Michigan state officials have been and continue to be in violation of the Lead and Copper Rule's requirements for monitoring and sampling tap water for lead, notifying the public of and reporting to the State tap-water monitoring results, and corrosion control. Governor Snyder and MDEQ Director Dan Wyant are in violation of the Act's requirement to maintain a program to assist Michigan schools with testing and remediating lead in school drinking water. These violations are likely to continue and to recur in the future absent a judicial decree ordering City and State officials to comply with the Act. If the City of Flint and the Michigan state officials identified above fail to cure their noncompliance with the Act within sixty days, Concerned Pastors for Social Action, Melissa Mays, ACLU of Michigan, and NRDC will file suit in federal district court seeking declaratory relief, injunctive relief, and litigation costs, as appropriate.

The name, address, and telephone number of each person giving notice pursuant to this letter are:

Concerned Pastors for Social Action
2200 Forrest Hill
Flint, MI 48504
(810) 394-6787
Attention: Pastor Allen Overton

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[80] 42 U.S.C. § 300j-24(d)(1).

[81] *Id.* § 300j-24(d)(2).

[82] Although MDEQ recently announced "an education campaign" to help Michigan schools learn how to test their water for lead, MDEQ has yet to release the details of this effort, including whether it will offer the kind of assistance with testing, remediation, and notification contemplated by the Safe Drinking Water Act. *See* Higgins, *Michigan to launch lead education effort statewide*, *supra* note 44 (Ex. 51).

[83] MDEQ has primary enforcement authority in Michigan for the Safe Drinking Water Act. *See* MDEQ, Drinking Water, http://www.michigan.gov/deq/0,4561,7-135-3313_3675---,00.html (last visited Nov. 13, 2015) (attached as Ex. 64).

Melissa Mays
3714 Beecher Road
Flint, MI 48503

American Civil Liberties Union of Michigan
2966 Woodward Avenue
Detroit, MI 48103
(313) 578-6814
Attention: Michael Steinberg

Natural Resources Defense Council
1152 15th Street, NW, Suite 300
Washington, DC 20005
(202) 289-2385
Attention: Dimple Chaudhary

Do not hesitate to contact us if you would like to discuss this matter.

Respectfully,

Dimple Chaudhary
Natural Resources Defense Council
1152 15th Street, NW, Suite 300
Washington, DC 20005
(202) 289-2385

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Anjali Waikar
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Counsel for American Civil Liberties Union of Michigan

Enclosure

cc:

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Attorney General Bill Schuette
State of Michigan
G. Mennen Williams Building, 7th Floor
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909
miag@michigan.gov

From: Stoken, Laura (GOV)
Sent: Tuesday, January 05, 2016 1:13 PM
To: Murray, David (GOV)
Subject: RE: Note about Flint water story

Thanks Dave- We are going to hold all flint water written correspondence until after Thursday's meeting….. But the below info will be helpful to incorporate into any phone conversations we may have today/ tomorrow….

Currently Holding: 67 individual e-mails/ letters/ web inquiries that came in today

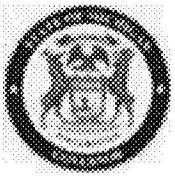
Thanks,

Laura

From: Murray, David (GOV)
Sent: Tuesday, January 05, 2016 1:10 PM
To: Stoken, Laura (GOV) <StokenL@michigan.gov>
Subject: Note about Flint water story

"We will cooperate fully with any requests from the U.S. Attorney's Office as it looks into Flint's water challenges. Gov. Snyder has appointed an independent panel that is reviewing all state, local and federal actions related to the situation. We are committed to working with Mayor Karen Weaver and county leaders as we focus on protecting the health of Flint residents and all Michiganders."

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted] mobile
Twitter:@michigandmurray



From: Stoken, Laura (GOV)
Sent: Tuesday, January 05, 2016 1:16 PM
To: Kica, Beata (GOV); Robinson, Judy (GOV); Byrd, John (GOV); Kras, Jason (GOV); Weir, Elizabeth (GOV)
Cc: Adamczyk, Lynne (GOV); Nelson, Christine (GOV); Hartwell, Helen (GOV)
Subject: Flint water

Hi team,

Please find below a statement that may be helpful if we start getting calls about theU.S. Attorney's Office investigating lead in Flint water…..

http://www.freep.com/story/news/local/michigan/2016/01/05/us-attorneys-office-investigating-lead-flint-water/78303960/

We are still holding written correspondence until after Thursday's meeting.

Thanks,

Laura

From: Murray, David (GOV)
Sent: Tuesday, January 05, 2016 1:10 PM
To: Stoken, Laura (GOV) <StokenL@michigan.gov>
Subject: Note about Flint water story

"We will cooperate fully with any requests from the U.S. Attorney's Office as it looks into Flint's water challenges. Gov. Snyder has appointed an independent panel that is reviewing all state, local and federal actions related to the situation. We are committed to working with Mayor Karen Weaver and county leaders as we focus on protecting the health of Flint residents and all Michiganders."

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]mobile
Twitter:@michigandmurray

From: Stoken, Laura (GOV)
Sent: Tuesday, January 05, 2016 2:13 PM
To: Weir, Elizabeth (GOV); Kras, Jason (GOV); Byrd, John (GOV); Robinson, Judy (GOV); Kica, Beata (GOV)
Cc: Nelson, Christine (GOV); Adamczyk, Lynne (GOV); Hartwell, Helen (GOV)
Subject: FW: Detroit News request for comment on Common Cause Michigan's call for all Flint documents protected by FOIA

FYI

From: Murray, David (GOV)
Sent: Tuesday, January 05, 2016 2:12 PM
To: Heaton, Anna (GOV) <HeatonA@michigan.gov>; Biehl, Laura (GOV) <BiehlL@michigan.gov>; Stoken, Laura (GOV) <StokenL@michigan.gov>
Subject: FW: Detroit News request for comment on Common Cause Michigan's call for all Flint documents protected by FOIA

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]mobile
Twitter:@michigandmurray

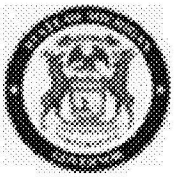
From: Murray, David (GOV)
Sent: Tuesday, January 05, 2016 2:11 PM
To: 'Burr, Richard' <RBurr@detroitnews.com>
Subject: RE: Detroit News request for comment on Common Cause Michigan's call for all Flint documents protected by FOIA

Hi Richard,

The Governor is proud of the efforts his office has made to increase transparency and accountability, including dashboards featuring metrics for each department and creation of a citizen's guide to how state and local governments spend money. We're always focusing on continuous quality improvement in this area.

The Governor also has promised complete cooperation with the independent Flint Water Task Force that is reviewing all state, local and federal actions related to the situation as the administration focuses on the health and welfare of people in Flint and across the state.

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]mobile
Twitter:@michigandmurray



From: Burr, Richard [mailto:RBurr@detroitnews.com]
Sent: Tuesday, January 05, 2016 2:00 PM
To: Murray, David (GOV) <MurrayD1@michigan.gov>
Subject: Detroit News request for comment on Common Cause Michigan's call for all Flint documents protected by FOIA

Dave,
I just need the statement you gave to MLive, Flint Journal about the Common Cause call for Gov/ Rick Snyder to drop his executive privilege and release all documents and correspondence connected to the Flint water crisis.

Richard Burr
Politics and Government Editor
The Detroit News
160 W. Fort St.
Detroit, MI 48226
(313) 222-2294
rburr@detroitnews.com

From: Stoken, Laura (GOV)
Sent: Tuesday, January 05, 2016 1:13 PM
To: Murray, David (GOV)
Subject: RE: Note about Flint water story

Thanks Dave- We are going to hold all flint water written correspondence until after Thursday's meeting….. But the below info will be helpful to incorporate into any phone conversations we may have today/ tomorrow….

Currently Holding: 67 individual e-mails/ letters/ web inquiries that came in today

Thanks,

Laura

From: Murray, David (GOV)
Sent: Tuesday, January 05, 2016 1:10 PM
To: Stoken, Laura (GOV) <StokenL@michigan.gov>
Subject: Note about Flint water story

"We will cooperate fully with any requests from the U.S. Attorney's Office as it looks into Flint's water challenges. Gov. Snyder has appointed an independent panel that is reviewing all state, local and federal actions related to the situation. We are committed to working with Mayor Karen Weaver and county leaders as we focus on protecting the health of Flint residents and all Michiganders."

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted] mobile
Twitter:@michigandmurray

From: Stoken, Laura (GOV)
Sent: Tuesday, January 05, 2016 1:16 PM
To: Kica, Beata (GOV); Robinson, Judy (GOV); Byrd, John (GOV); Kras, Jason (GOV); Weir, Elizabeth (GOV)
Cc: Adamczyk, Lynne (GOV); Nelson, Christine (GOV); Hartwell, Helen (GOV)
Subject: Flint water

Hi team,

Please find below a statement that may be helpful if we start getting calls about theU.S. Attorney's Office investigating lead in Flint water…..

http://www.freep.com/story/news/local/michigan/2016/01/05/us-attorneys-office-investigating-lead-flint-water/78303960/

We are still holding written correspondence until after Thursday's meeting.

Thanks,

Laura

From: Murray, David (GOV)
Sent: Tuesday, January 05, 2016 1:10 PM
To: Stoken, Laura (GOV) <StokenL@michigan.gov>
Subject: Note about Flint water story

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Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]mobile
Twitter:@michigandmurray

From: Stoken, Laura (GOV)
Sent: Tuesday, January 05, 2016 2:13 PM
To: Weir, Elizabeth (GOV); Kras, Jason (GOV); Byrd, John (GOV); Robinson, Judy (GOV); Kica, Beata (GOV)
Cc: Nelson, Christine (GOV); Adamczyk, Lynne (GOV); Hartwell, Helen (GOV)
Subject: FW: Detroit News request for comment on Common Cause Michigan's call for all Flint documents protected by FOIA

FYI

From: Murray, David (GOV)
Sent: Tuesday, January 05, 2016 2:12 PM
To: Heaton, Anna (GOV) <HeatonA@michigan.gov>; Biehl, Laura (GOV) <BiehlL@michigan.gov>; Stoken, Laura (GOV) <Stokenl@michigan.gov>
Subject: FW: Detroit News request for comment on Common Cause Michigan's call for all Flint documents protected by FOIA

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted], mobile
Twitter:@michigandmurray

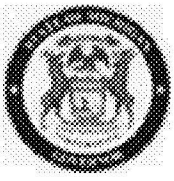
From: Murray, David (GOV)
Sent: Tuesday, January 05, 2016 2:11 PM
To: 'Burr, Richard' <RBurr@detroitnews.com>
Subject: RE: Detroit News request for comment on Common Cause Michigan's call for all Flint documents protected by FOIA

Hi Richard,

The Governor is proud of the efforts his office has made to increase transparency and accountability, including dashboards featuring metrics for each department and creation of a citizen's guide to how state and local governments spend money. We're always focusing on continuous quality improvement in this area.

The Governor also has promised complete cooperation with the independent Flint Water Task Force that is reviewing all state, local and federal actions related to the situation as the administration focuses on the health and welfare of people in Flint and across the state.

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]mobile
Twitter:@michigandmurray



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Sent: Tuesday, January 05, 2016 2:00 PM
To: Murray, David (GOV) <MurrayD1@michigan.gov>
Subject: Detroit News request for comment on Common Cause Michigan's call for all Flint documents protected by FOIA

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Richard Burr
Politics and Government Editor
The Detroit News
160 W. Fort St.
Detroit, MI 48226
(313) 222-2294
rburr@detroitnews.com

From: Emmitt, Beth (GOV)
Sent: Tuesday, January 05, 2016 4:03 PM
To: Bedan, Morgan (GOV); Utley, Corey (GOV); Dickinson, Sarah (GOV)
Subject: FW: FYI- Release going shortly re: Flint Emergency Declaration

From: Biehl, Laura (GOV)
Sent: Tuesday, January 05, 2016 3:50 PM
To: [redacted] Forstner, Nathaniel (GOV) <forstnern1@michigan.gov>; Scott, Allison (GOV) <scotta12@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>; Emmitt, Beth (GOV) <emmittb@michigan.gov>; Mcbride, Bill (GOV) <mcbrideb@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Walsh, John (GOV) <WalshJ@michigan.gov>
Cc: Murray, David (GOV) <MurrayD1@michigan.gov>; Holland, Meegan (GOV) <HollandM2@michigan.gov>
Subject: FYI- Release going shortly re: Flint Emergency Declaration

Good afternoon,

Just wanted you all to know that we're issuing the following press release shortly regarding the Governor declaring an emergency in Genesee County and activating the State Emergency Operations Center. The declaration will be attached with it.

Thanks!

Gov. Snyder declares emergency for Genesee County

State Emergency Operations Center activated to assist with relief efforts

LANSING, Mich. – Gov. Rick Snyder today declared a state of emergency for Genesee County due to the ongoing health and safety issues caused by lead in the city of Flint's drinking water.

By declaring a state of emergency, Snyder has made available all state resources in cooperation with local response and recovery operations. The declaration authorizes the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) to coordinate state efforts.

"The health and welfare of Flint residents is a top priority and we're committed to a coordinated approach with resources from state agencies to address all aspects of this situation," Snyder said. "Working in full partnership with the Flint Water Advisory Task Force, all levels of government and water quality experts, we will find both short-term and long-term solutions to ensure the health and safety of Flint residents."

In addition to the emergency declaration, Snyder activated the State Emergency Operations Center to coordinate state response and recovery activities. State agencies will report to the center to coordinate resources, assess the situation and begin providing assets to assist with local

relief operations.

"Our staff recognizes the urgency of this situation and is already working closely with local officials," said Capt. Chris A. Kelenske, Deputy State Director of Emergency Management and Homeland Security and commander of the MSP/EMHSD. "We will continue to collaborate with state, city and county leaders to coordinate relief efforts, streamline communication and use all available resources to help residents."

On Jan. 4, Genesee County declared a "local state of emergency," which activated local emergency response and recovery plans. By requesting a governor's declaration, the county has determined local resources are insufficient to address the situation and state assistance is required to protect public health, safety and property to lessen or avert the threat of a crisis.

The city of Flint has been under a local emergency declaration since Dec. 14, 2015.

The SEOC is the emergency operations center for the state of Michigan. Located in Lansing, the center is overseen by the MSP/EMHSD and coordinates response and recovery efforts by state agencies and local government. The SEOC is staffed by members of state agencies and other partners for decision making and information coordination during disasters or emergencies in the state of Michigan.

###

Laura Biehl
Deputy Press Secretary
Executive Office of Michigan Gov. Rick Snyder
George W. Romney Building
111 S. Capitol Ave.
Lansing, MI 48933
Office: 517-335-6397
[redacted]
BiehlL@Michigan.gov

Subject:	Internal Flint Water Meeting
Location:	Governor's Conference Room, 2nd Romney
Start:	Wed 1/28/2015 10:00 AM
End:	Wed 1/28/2015 11:00 AM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Posthumus, Dick (GOV); Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Walsh, John (GOV); Wisniewski, Wendy (GOV); Hall, Jean (GOV); Pleyte, Beth (Treasury); Saxton, Thomas (Treasury); Clayton, Stacie (GOV); Hollins, Harvey (GOV); Murray, David (GOV)
Optional Attendees:	Brownfield, Michael (GOV)

Attending:
Dick Posthumus
Dennis Muchmore
John Walsh
Beth Clement
Tom Saxton
Harvey Hollins
Dave Murray

Subject:	Mtg Flint Water Issues/other Concerns
Location:	Governor's Conference Room
Start:	Wed 1/28/2015 2:00 PM
End:	Wed 1/28/2015 3:00 PM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Posthumus, Dick (GOV)
Required Attendees:	Saxton, Thomas (Treasury); Pleyte, Beth (Treasury); Muchmore, Dennis (GOV); Wisniewski, Wendy (GOV); Clement, Elizabeth (GOV)

Attending:
Jerry Ambrose
Tom Saxton
Dick Posthumus
Dennis Muchmore
Beth Clement
Sen Ananich
Andy Leavitt

From: Brader, Valerie (GOV)
Sent: Friday, November 21, 2014 3:58 PM
To: Wyant, Dan (DEQ); Anderson, Madhu (DEQ)
Cc: Posthumus, Dick (GOV); Roberts, John (DTMB)
Subject: Water Capacity Report
Attachments: Capacity Development Report to the Governor 2014.pdf

Dan -- Two questions leapt out at me from this report:

--The statement that in a few years, the non-community water supplies will have a serious cost hit them for total coliform (bacterial) compliance and no funding to address it. Is that something we should be looking at trying to support in longer-term budgets?

--The fact that we are not hitting our goals for avoiding acute health risks for water quality (not hitting 95% compliant). Is this mostly the Flint problem showing up in the stats or are there other areas with drinking water quality acute problems?

--Valerie

From: DEQ-Legislative-Contact
Sent: Friday, November 21, 2014 1:17 PM
To: Jeffries, Ellen (ejeffries@senate.mi.gov); Cleary, Mary Ann (mcleary@house.mi.gov); Roberts, John (DTMB); Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Brader, Valerie (GOV); Sefton, Josh (DTMB); Viola Wild; McNeely, Jacques (DTMB); Harrison, Jennifer (DTMB); Thelen, Mary Beth (DEQ); Sygo, Jim (DEQ); Shaler, Karen (DEQ); Anderson, Madhu (DEQ); Patterson, Leigh (DEQ); Datema, Maggie (DEQ); Howes, Sarah (DEQ); Kasprzak, Jim (DEQ); Epkey, Amy (DEQ); Wilcox, Candra (DEQ); Shekter Smith, Liane (DEQ); Willard, Veronica (DEQ); Benzie, Richard (DEQ); Berndt, Jason (DEQ); Reck, Diane (DEQ); DEQ-Legislative-Contact
Subject: Capacity Development Report to the Governor 2014

Hello,

Attached please find the Department of Environmental Quality's Capacity Development Report to the Governor 2014. The original was sent to Governor Snyder via ID mail.

Thank you,
Heather Feuerstein
Management Assistant to
Maggie Datema, Director of Legislative Affairs and
Brad Wurfel, Communications Director
Department of Environmental Quality
517.284.6715

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

RICK SNYDER
GOVERNOR

DAN WYANT
DIRECTOR

November 20, 2014

The Honorable Rick Snyder
Governor of Michigan
P.O. Box 30013
Lansing, Michigan 48909

Dear Governor Snyder:

The enclosed Capacity Development Report to the Governor 2014 (Report) is required by the federal Safe Drinking Water Act (SDWA) to be submitted to you.

The 1996 amendments to the federal SDWA require each state to develop a Capacity Development Program (CDP) to ensure that community and noncommunity water systems acquire and maintain technical, managerial, and financial capacity to ensure a safe, reliable, and abundant supply of drinking water to all customers. Michigan's CDP is implemented by the Department of Environmental Quality (DEQ), Office of Drinking Water and Municipal Assistance (ODWMA), through Michigan's Safe Drinking Water Act, 1976 PA 399, as amended; by the application of CDP policies and guidance documents; and through cooperation and/or partnerships with other agencies.

This Report discusses Michigan's CDP and examines the effectiveness of the strategy, progress towards improving capacity, and additional efforts that help to enhance capacity. This Report will be available to the public on the DEQ's Web site at http://www.michigan.gov/deqwater, at the ODWMA's district offices, and at the public's request.

If you need further information, please contact Ms. Liane J. Shekter Smith, P.E., Chief, ODWMA, at 517-284-6543; shekterl@michigan.gov; or DEQ, P.O. Box 30241, Lansing, Michigan 48909-7741; or you may contact me.

Sincerely,

Dan Wyant
Director
517-284-6700

Enclosure

cc/enc: Ms. Ellen Jeffries, Director, Senate Fiscal Agency
Ms. Mary Ann Cleary, Director, House Fiscal Agency
Mr. John Roberts, Director, State Budget Office
Mr. Dennis Muchmore, Governor's Office
Mr. Dick Posthumus, Governor's Office
Ms. Valerie Brader, Governor's Office
Mr. Josh Sefton, Senate Fiscal Agency
Ms. Viola Wild, House Fiscal Agency
Mr. Jacques McNeely, State Budget Office
Ms. Jennifer Harrison, State Budget Office
Mr. Jim Sygo, Deputy Director, DEQ
Ms. Madhu R. Anderson, Director of Policy, DEQ
Ms. Maggie Datema, Director of Legislative Liaison, DEQ
Ms. Sarah M. Howes, Legislative Liaison, DEQ
Mr. James Kasprzak, DEQ
Ms. Amy Epkey, DEQ
Ms. Liane J. Shekter Smith, DEQ
Mr. Richard Benzie, DEQ
Mr. Jason Berndt, DEQ

Michigan Department of Environmental Quality
Office of Drinking Water and Municipal Assistance

CAPACITY DEVELOPMENT REPORT TO THE GOVERNOR 2014

September 2014

525 West Allegan Street
P.O. Box 30241
Lansing, MI 48909-7741
517-284-6513
www.michigan.gov/deq

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Executive Summary

The 1996 Amendments to the federal Safe Drinking Water Act (SDWA) added provisions for each state to develop a Capacity Development Program (CDP). The objective of the CDP is to enhance public health protection by helping water systems develop and maintain the capability, or capacity, they need to deliver a safe, reliable, and adequate supply of drinking water to all customers. Capacity has three components:

- Technical – Physical infrastructure and operational ability
- Managerial – Personnel expertise and institutional and administrative capabilities
- Financial – Monetary resources

The purpose of this document is to report to Governor Rick Snyder the effectiveness of Michigan's capacity development strategy as managed by the Michigan Department of Environmental Quality (MDEQ) for the 2011-2013 time period. Each state risks losing 20 percent of the annual Drinking Water Revolving Fund (DWRF) allotment if it does not submit a report to its Governor by September 30 of every third year or does not make the report available to the public under Section 1420(c)(3) of the SDWA.

Many capacity development-related activities have been conducted and incorporated into Michigan's drinking water program since its inception in 1913 and later integrated into the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399). In addition to establishing health-based standards, Act 399 also includes requirements for water well isolation, system reliability, operator certification, standards of construction, and system planning. As a result, the strategy to help systems maintain technical, managerial, and financial (TMF) capacity is a reflection of our long-standing tradition of technical assistance, with the recent addition of a capacity assessment component.

The strategy is effective. New public water systems are demonstrating adequate capacity before they begin serving water to the public, and existing systems are continuing to enhance and maintain capacity. A strong emphasis on assistance has moved systems toward enhanced capacity.

Systems with adequate TMF capacity are able to maintain high rates of compliance with health-based standards. Additionally, systems use a multibarrier approach to providing safe water to the public, which begins with securing a safe source, such as groundwater from a confined aquifer, and then protecting that source from contamination. The multibarrier approach continues with proper construction of water wells, pumps, treatment plants, and distribution systems. Finally, well-trained, certified operators perform proper oversight (operation and maintenance) and conduct routine monitoring to ensure that these multiple barriers continue to function.

Systems are also taking advantage of programs to enhance their TMF capacity. These programs help systems stay in compliance with existing requirements, prepare systems to comply with upcoming requirements, and help operators and local officials to better manage their systems. These programs include:

- DWRF: The 1996 Amendments to the SDWA provide low-interest loans for repairs or enhancements to help water systems comply with the SDWA. To date, the DWRF has

committed over $758 million in low-interest loans for 252 projects to construct, upgrade, and replace infrastructure.

- Relationship with MDEQ District staff: Water system operators maintain a relationship with district staff who are the primary contact with water systems for capacity development. A prime objective of the district staff is to provide excellent customer service, from the construction permit process through regulatory oversight, and continual assessment and assistance for the duration of a system's operation.

- Source Water Protection: An increasing number of systems are taking steps to protect their drinking water sources.

    - Federal funding for Wellhead Protection Programs (WHPPs) is available through the DWRF for systems using groundwater. Under the sponsorship of the MDEQ, Michigan State University's Department of Civil and Environmental Engineering recently developed an innovative modeling tool for mapping Michigan's Wellhead Protection Areas (WHPAs). The new tool, which is now called the Michigan Groundwater Management Tool (MGMT), makes systematic and intelligent use of statewide groundwater-related data to develop a WHPA. The MDEQ uses the MGMT to delineate WHPAs at no cost. Before the MGMT, the cost for producing a traditional WHPA was an average of $36,000 to the public water system. The MGMT has provided nearly 2,600 provisional WHPAs in the state.

    - Beginning in fiscal year 2015, the MDEQ will also provide a new surface water intake protection grant to assist in the development and implementation of a plan to protect surface water sources used for public drinking water.

    - Operator Certification and Training: Act 399 requires a certified operator to be available at all community and nontransient noncommunity water systems. These operators must maintain their certification by earning continuing education credits. As a result, new training courses are developed based on operator feedback and district staff input and in response to new regulations with which water systems must comply.

    - Other programs available to systems include financial assessments, technical assistance provider services, security training, and electronic reporting systems.

New regulations will continue to challenge water systems. The United States Environmental Protection Agency promulgated regulations to expand requirements on systems that disinfect. The Stage 2 Disinfection Byproducts Rule builds incrementally on existing rules and requires systems to further evaluate their distribution systems. Systems must identify the locations with high disinfection byproduct concentrations and sample these sites to determine compliance at each location. For the first time, many consecutive systems are now required to monitor for disinfection byproducts.

The Ground Water Rule was promulgated to reduce the risk of exposure to fecal contamination that may be present in public water systems that use groundwater sources. Groundwater systems with identified risks may be required to perform source water monitoring, implement corrective action, or conduct further compliance monitoring.

The Revised Total Coliform Rule (RTCR), which takes effect in early 2016, will require all public water systems that are vulnerable to microbial contamination to identify and fix problems. The

RTCR will also establish more stringent criteria for systems to qualify for and stay on reduced monitoring, thereby providing incentives for improved water system operation.

The impact of the RTCR on resources will be nominal to Michigan's Community Water Supply Program but will be significant to Michigan's Noncommunity Water Supply Program. There are approximately 9,800 noncommunity water supplies in Michigan. Among the 50 states, Michigan and Wisconsin have the largest number of noncommunity water supplies in the country. Michigan's Noncommunity Water Supply Program is administered by local public health departments under contract with the DEQ. All of the local public health departments will see increased workload demands under the RTCR without additional financial compensation for the work.

The continuing endeavors of water systems to maintain technical, managerial, and financial capacity will help them meet the challenges of these new regulations. This report is available on the MDEQ's Web site at http://www.michigan.gov/deqwater and to the public in paper format, on request.

List of Acronyms

ABE	Advisory Board of Examiners
ACO	Administrative Consent Order
Act 399	Michigan Safe Drinking Water Act, 1976 PA 399, as amended
ARRA	American Recovery and Reinvestment Act of 2009
AWWA	American Water Works Association
CCR	Consumer Confidence Reports
CDP	Capacity Development Program
CWS	Community Water Systems
DWRF	Drinking Water Revolving Fund
eDWR	Electronic Drinking Water Reporting
ERP	Emergency Response Plan
FAP	Financial Action Plan
FOS	Field Operations Section
FY	Fiscal Year
LHD	Local Health Departments
MDEQ	Michigan Department of Environmental Quality
MGMT	Michigan Groundwater Management Tool
MOR	Monthly Operation Reports
NCWS	Noncommunity Water Systems
NTNCWS	Nontransient Noncommunity Water Systems
ODWMA	Office of Drinking Water and Municipal Assistance
OTCP	Operator Training and Certification Program
RCAP	Rural Community Assistance Program
RTCR	Revised Total Coliform Rule
SDWA	Federal Safe Drinking Water Act
SME	Subject Matter Experts
SWIPP	Surface Water Intake Protection Program
SWPP	Source Water Protection Program
TMF	Technical, Managerial, and Financial
TNCWS	Transient Noncommunity Water System
TTX	Table Top Exercises
USEPA	United States Environmental Protection Agency
WHPA	Wellhead Protection Area
WHPP	Wellhead Protection Program

1.0 Introduction

This report examines the effectiveness of the strategy, progress toward improving capacity, and tools used to help to improve capacity.

1.1 Capacity Development Program (CDP) Overview

Water system capacity is the ability to plan for, achieve, and maintain compliance with drinking water requirements. Capacity has three components:

- Technical – Physical infrastructure and operational ability
- Managerial – Personnel expertise and institutional and administrative capabilities
- Financial – Monetary resources

Michigan's capacity development strategy is to help community water systems (CWS) and noncommunity water systems (NCWS) achieve and maintain technical, managerial, and financial (TMF) capacity by adding a capacity assessment component to the Public Water System Supervision Program. The strategy is an ongoing process to:

- Assess systems' capacity or "capability."
- Prioritize systems most in need of assistance.
- Determine the best means of assistance.
- Provide assistance or refer systems to other capacity assistance or technical assistance providers.
- Measure improvements in TMF capacity during subsequent assessments.

The CDP is implemented by the MDEQ, Office of Drinking Water and Municipal Assistance (ODWMA), through amendments to the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399); by application of CDP policies and guidance documents; and through cooperation and/or partnerships with other agencies.

The CDP focuses on both new systems and existing systems. The new systems program ensures systems have sufficient capacity prior to commencing operation, and the existing systems program works to achieve, maintain, and enhance capacity. These two programs are detailed in two documents and were approved by the United States Environmental Protection Agency (USEPA) in 2000.

1.1.1 New Systems

New Community Water System Capacity Guideline Document, May 1, 2000. New systems must demonstrate TMF capacity before serving water to the public. The new systems program relies on two control points: construction permits and final inspection. Generally, a construction permit is issued based on the technical capacity of the proposed system. For CWS, the financial and managerial capacity requirements may still be pending while the system is under construction. Approval to commence operation is only granted after a final inspection when the CWS has demonstrated capacity in all three areas.

For nontransient noncommunity water systems (NTNCWS), the ODWMA has delegated the authority to the local health departments (LHD) to review, approve, and issue construction permits. When these water systems begin the permit application process, the LHD helps them outline their financial and managerial capacity. Prior to receiving approval to commence operation, the NTNCWS must submit a financial plan and a managerial plan that includes an emergency response plan and designation of a certified operator.

1.1.2 Existing Systems

Capacity Development Strategy for Existing Public Water Systems, August 1, 2000. The existing system strategy relies primarily on the capacity assistance component of the drinking water program, which the ODWMA has traditionally referred to as technical assistance. Through routine system evaluations, also known as sanitary surveys or capacity assessments, ODWMA staff identify which systems need capacity assistance and prioritizes assistance subject to available resources. The ODWMA will not request a financial capacity assessment of an existing water system unless violations, deficiencies, or other factors indicate the system lacks technical or managerial capacity. For CWS, capacity assistance is provided through ODWMA staff or through other technical assistance providers to help communities build TMF capacity. For NCWS, the ODWMA delegated the authority to the LHD to assess capacity and to provide assistance. If capacity assistance is not accepted or effective, Michigan practices a program of progressive enforcement.

1.2 Involved Parties

The CDP encompasses the efforts of water systems, the MDEQ, technical assistance providers, and other organizations and agencies that affect the capabilities of water systems including:

- MDEQ, ODWMA, Field Operations Section
- MDEQ, ODWMA, Revolving Loan Section
- LHDs
- MDEQ, ODWMA, Environmental Health Section
- Michigan Finance Authority
- Technical Assistance Providers such as:
    - Michigan Section, American Water Works Association (AWWA)
    - Michigan Rural Water Association
    - Rural Community Assistance Program (RCAP)
    - United States Department of Agriculture, Rural Development, Rural Utilities Service
- MDEQ, ODWMA, Enforcement Section

2.0 Effectiveness of the Capacity Development Strategy

Many capacity development-related activities have been conducted and incorporated into Michigan's drinking water program since its inception in 1913 and later integrated into Act 399. In addition to establishing health-based standards, Act 399 also includes requirements for well isolation, system reliability, operator certification, standards of construction, and system planning. As a result, the strategy to help systems maintain TMF capacity is a reflection of our long-standing tradition of technical assistance, with the recent addition of a capacity assessment component.

The strategy is effective. New public water systems are demonstrating adequate capacity before they begin serving water to the public, and existing systems are continuing to enhance and maintain capacity. A strong emphasis on capacity assistance has moved systems toward enhanced capacity.

2.1 New Systems

New systems must demonstrate TMF capacity before serving water to the public. As a result, they are better able to remain in compliance with health-based standards and monitoring requirements. When violations occur, they are usually minor monitoring violations. District staff report that new systems that have complied with capacity development requirements are well developed from start-up and perform at a higher level than some older systems. These new systems use modern technology, competent engineering support, and acceptable management. Prior to a formalized CDP, district staff only required adequate technical capacity before a construction permit was issued.

2.1.1 CWS

Proposed CWS are primarily new residential developments such as subdivisions, apartment complexes, and elderly care facilities. District staff interacts with developers and their engineering consultant to complete the capacity assessments before approval is granted to serve water to the public. Most developers who phase their projects understand that it is more cost-effective to install a system meeting CWS requirements at the beginning of the project instead of upgrading the water system when they expand. In addition to the traditional technical assessment, these new CWS must complete financial and managerial assessments. The financial capacity assessment requires some thought about future operations and costs. The managerial capacity assessment requires an operations plan, a certified operator, a sampling site plan, as well as other plans to ensure the system has adequate managerial oversight and organization before commencing operation.

A system that simply increases the number of customers without having to alter or construct water system infrastructure is not considered a new system. However, the following existing systems are considered new and subject to capacity development policies:

- Systems that did not meet the definition of a CWS at start-up, but are designed to one day meet the definition.
- Systems that are not currently a CWS, but propose to extend the water system to serve additional customers, thereby growing to become a CWS. These systems are usually privately-owned, residential subdivisions that were previously exempt from CWS requirements due to their small size.

Many times, a new developer begins to expand a subdivision or the original developer returns to complete a final phase after many years. These systems pose the greatest challenge because they often expand before fully complying with capacity development requirements and because the control point of a final inspection before commencing operation no longer exists.

2.1.2 NTNCWS

Due to the financial and managerial capacity requirements now placed on new NTNCWS, these systems have a qualified operator and a higher level of awareness of the responsibilities of supplying water to the public. These systems begin operation with an emergency response plan already in place—a valuable tool during emergencies.

2.2 Existing Systems

Existing systems are achieving and maintaining TMF capacity as demonstrated by their high rates of compliance, as discussed in section 3.1, and their efforts to manage their systems effectively with qualified and educated staff to meet the needs of their customers. This improved compliance rate is a result of several factors, including:

- District staff interaction with systems.
- Financial assistance in the form of loans and grants.
- Financial management assistance.
- Source water protection and water system security programs.
- Operator training and certification.
- Compliance and enforcement interaction via letters, phone calls, site visits, and administrative fines.
- Support of data systems for MDEQ district staff and LHDs.
- Support of Web sites for MDEQ district staff, LHDs, and water systems.
- Policy updates, guides, fact sheets, templates, and forms provided to district staff, LHDs, and systems.

Many of these factors will be discussed in Section 4.

3.0 Progress Toward Improving TMF

Systems with adequate TMF capacity maintain high rates of compliance with health-based standards, monitoring, reporting, and other capacity requirements, which is one measure of success of the CDP. A multibarrier approach to providing safe water is more difficult to measure, but it is an integral part of ensuring water systems have sufficient TMF capacity. Through the construction permit and sanitary survey process, district staff helps to ensure systems obtain a safe source and continue to provide safe drinking water.

3.1 Compliance Rates

Comparing compliance data from one year to the next is difficult because of the rapidly increasing number and complexity of rules and requirements each year. With new regulations that have had a disproportionate impact on small systems, the number of systems in compliance may not tell the true story of improved capacity.

Small systems make up the majority of systems in Michigan as well as the majority of systems in noncompliance. However, the majority of the population served by CWS is supplied by larger systems that generally comply with requirements. To put compliance data into perspective, it may be useful to compare the percent of population served by CWS that are in compliance with health-based standards and monitoring and reporting requirements.

The following table summarizes compliance in Michigan with health-based drinking water standards and with monitoring and reporting requirements compared to the goals shared with the USEPA for fiscal year (FY) 2011 to FY 2013:

Compliance with Health-Based Standards	*Goal*	*FY 2011*	*FY 2012*	*FY 2013*
Percent of people served by CWS meeting all health-based standards	95	96.6	99.0	99.3
Percent of NTNCWS meeting all health-based standards	95	94.4	94.5	97.2
Percent of Transient NCWS (TNCWS) meeting all health-based standards	95	97.5	97.6	97.3
Compliance with Monitoring and Reporting Requirements	*Goal*			
Percent of people served by CWS without significant violations[1]	95	97.4	96	*
Percent of CWS without significant violations	90	95	92.9	*
Percent of NTNCWS without significant violations for acute health risks[2]	95	95.8	94.8	94.3

[1] Significant monitoring violations are generally defined as any major monitoring violation. A major monitoring violation, with rare exceptions, occurs when no samples were taken or no results were reported.

[2] Acute health risks mean those contaminants that have serious adverse effects on human health as a result of short-term exposure.

*Not available at this time due to recent changes in the EPA data system.

Compliance with monitoring requirements is considered a measure of success. However, the failure to collect a sample is not necessarily a direct public health threat because Michigan's drinking water program does not automatically assume the absence of a sample creates a public health threat, as discussed in the following section. A missed sample from a properly constructed water system having a satisfactory history of safe samples is a concern, but not a direct threat to public health.

3.2 Multibarrier Approach

The multibarrier approach to providing safe drinking water begins with securing a safe source, such as a confined aquifer, and protecting that source from contamination. It continues with proper construction of water wells, pumps, treatment plants, and distribution systems. Proper oversight and monitoring by trained personnel provide confirmation that the multiple barriers are functioning and the integrity of the water system is maintained.

Act 399 provides public health protection through requirements on construction of wells, surface water intakes, treatment facilities, and distribution systems. Construction permits require an engineering review and a sound basis of design that incorporates reliability and redundancy.

Some aspects of management and operations are also regulated. A cross connection control program must be developed and implemented in municipal systems to eliminate and prevent potential pathways for contaminants to enter the water system. A system must also conduct a study of water supply requirements and update it every five years. A general plan, or layout and description of the water system and its service area, must be submitted. This plan now requires systems which intend to provide fire protection to include a hydraulic analysis showing pressures under peak demands; an inventory of main size, material, and age; and maps showing existing and future boundaries. Finally, an emergency response plan (ERP) must be developed. These long-standing requirements are key to achieving and maintaining capacity. Compliance with these requirements is part of the continual sanitary survey or evaluation process by district staff.

The ODWMA is encouraging systems, particularly new systems, to consider both short- and long-term needs and expected growth as they determine their water capacity requirements and develop their general plans and ERPs. This asset management approach is expected to enhance their capacity to manage their assets at the lowest possible cost.

The 1996 amendments to the SDWA required states to assess all source waters used for drinking water. All of Michigan's nearly 18,000 sources were assessed in 2003 to identify areas that supply public drinking water, to evaluate the susceptibility of those water systems to contamination, and to inform the public of the results. After the heavy investment in the assessment process, efforts are being made to move from assessment to protection. Water systems are encouraged to protect their sources through voluntary programs discussed in section 4, Tools Used to Improve TMF.

Finally, oversight of the water system by qualified operators helps to ensure all the elements of the waterworks system are functioning. Each CWS and NTNCWS and certain TNCWS must be under the responsible charge of an operator certified by the MDEQ. Larger systems are also required to designate a certified backup operator. Certification is renewable through continued education credits obtained through training approved by the MDEQ.

4.0 Tools Used to Improve TMF

This section discusses some of the tools used to enhance system TMF capacity, to achieve and maintain compliance with requirements, to prepare for new regulations, and to better manage water systems.

4.1 Drinking Water Revolving Fund (DWRF)

The 1996 amendments to the federal Safe Drinking Water Act (SDWA) authorized the creation of a revolving fund to provide low-interest loans for repairs or enhancements to help water systems comply with the SDWA. This fund is similar to the State Revolving Fund created to assist water pollution control projects. Many of the capacity development provisions of the SDWA are funded through the DWRF allotment.

Prior to the creation of the DWRF, project financing for CWS was left largely to the local unit of government or to individuals investing in their own systems. The DWRF provides a source of infrastructure financing. To date, the DWRF has committed over $758 million in low-interest loans for 252 infrastructure projects. Of the 252 projects with committed funds, 223 have been completed, and the loan payments are revolving back into the fund. Some systems receive commitments from the DWRF, but may not be ready to proceed with the project until they are

able to assure the revenues will be generated to repay the loan. In these cases, the system remains on the priority list for the next year.

The American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law on February 17, 2009. Included in the ARRA was an additional $2 billion in capitalization for DWRF administered by the states, of which Michigan received $67,454,000. These funds provided Michigan with the ability to tender more loans through the DWRF and provided additional subsidy (principal forgiveness for 40 percent of a project's cost). To date, 21 of the 28 ARRA funded projects have been completed.

The following table summarizes the loan commitments for FY 2011 to FY 2013:

DWRF Loan Commitments by FY			
	2011	2012	2013
Number of Projects Committed	15	7	7
Commitments of Funds ($M)	$41.23	$27.33	$38.60
Number of Green Qualifying Projects	8	6	3

Commitments in FY 2013 include projects to increase systems' capacity to reliably provide an adequate supply of water. Many of the projects involve replacing aging distribution infrastructure.

The city of Ann Arbor made improvements to their Barton Dam Intake Pump Station to include the replacement of switchgear, motors, transformers, starters, disconnects, and other associated equipment. They added soft starts, control improvements, and added a 29 kilowatt generator. These projects were funded at just over three million dollars.

Bay County is building a new water treatment plant to replace the city of Bay City's current plant. In addition, two raw water transmission lines will receive water from Lake Huron through the Saginaw Midland Municipal Water Supply Corporation. This source will provide more consistent and higher water quality than the current source in Saginaw Bay. The installation of membrane filtration and new variable frequency drives will qualify for green project funding to allow over seven million dollars in principal forgiveness.

Michigan's drinking water program relies heavily upon proper water system design and construction to prevent jeopardizing the safety of both the source and finished water. To that end, priority of DWRF projects favors communities that are participating in a Source Water Protection Program (SWPP), which is discussed in section 4.4.

4.2 District Staff

Water system operators develop a relationship with district staff who are the primary contact for capacity development. The CWS are served by ODWMA staff in one of 8 district offices, and NCWS are served by staff from one of 44 LHDs under contract with the ODWMA. A primary objective of district staff is to provide excellent customer service from the construction permit process for new infrastructure through the continual assessment and oversight process during operation.

Assistance or consultation during site visits has been the preferred method to maintain system compliance. District staff serve as both capacity assistance providers as well as regulators. When assistance is not accepted or effective, staff initiate enforcement actions.

Capacity of systems is assessed through the sanitary survey process. District staff detail their findings and recommendations in a letter to the system, which may include a list of items to address and deadlines to meet. Options for capacity assistance may also be offered, such as contacting a technical assistance provider. Sanitary survey letters help systems understand the severity of the deficiencies and importance of acting on the recommendations. For CWS, the sanitary survey includes an overall evaluation to indicate no deficiencies, minimal deficiencies, or significant deficiencies exist.

The following table summarizes sanitary surveys, visits, and timeliness of construction permits issued for CWS:

CWS Sanitary Surveys, Visits, and Construction Permits			
	FY 2011	FY 2012	FY 2013
Number of Sanitary Surveys Conducted	520	429	415
Percent with no deficiencies	63	63	61
Percent with minimal deficiencies	36	35	36
Percent with significant deficiencies	1	2	3
Number of Visits	1791	1729	1838
Number of Construction Permits Issued	736	737	779
Average number of days to issue water main construction permits	14.1	10.9	11.1

The data reflect the following:

- The number of visits has increased approximately 10 percent over the previous three-year reporting time frame of this report. This increase may be due to the filling of previous vacancies in the district offices.

- The average number of days to issue simple water main permits has been reduced by 20 percent over the last three years, even with an increase in the total number of permits issued.

Deficient systems receive priority for assistance. Ratings are based on compliance with health-based standards, monitoring requirements, qualified operator requirements, and requirements in Act 399 for TMF sufficiency, such as well construction, general and emergency response plans, and financial requirements for privately-owned systems.

Two ODWMA policies and procedures were developed recently to help district staff effectively use sanitary surveys and address water system deficiencies. The sanitary survey policy confirms the requirements for surveys to be conducted every three years; however, a reduced survey frequency may apply if certain criteria are met. In addition, surveys may be performed more frequently if significant deficiencies exist or corrective action is necessary. The significant deficiency policy was developed to help staff identify a significant deficiency and set forth steps to resolve the deficiencies. These policies help staff provide greater oversight and attention to those deficiencies that also helped CWS return to compliance or obtain a satisfactory rating in the next survey.

Often staff have found that a one-time capacity assistance meeting is sufficient to keep systems in compliance. In other situations, the district engineer spends more time with the system operators to help solve more complicated concerns or refers the system to other capacity assistance providers. At times, water system operators want to comply, but lack the financial resources or support from community leaders to make necessary changes. When capacity assistance is met with resistance, enforcement notices are used to outline the consequences of failing to correct deficiencies. These letters may offer one more opportunity to meet with staff to arrive at a mutually agreed upon compliance schedule.

In some cases, district staff may meet with community leaders or attend municipal meetings to discuss the benefits of agreeing to a course of action with a compliance schedule that allows them time to address their problems without further enforcement or penalties.

System operators and managers have many other opportunities to interact with district staff outside the capacity assessment arena. District staff attend, participate, and present at periodic regional operator meetings to discuss upcoming regulations and regional issues and to network with operators and managers. District staff also serve as instructors at operator training workshops, serve as subject matter experts (SME) for operator certification examinations, and present training at professional meetings. When a system begins to develop a project plan to apply for a DWRF loan, district staff consult with the system and work with its consulting engineer to ensure the project plan addresses system priorities.

As previously mentioned, oversight of NCWS is provided by 44 LHDs under contract with the ODWMA. The NCWS staff maintains communication with each of the 44 LHDs during the year. This communication occurs during the formal quarterly reviews and annual evaluations of each of the 44 LHD's work in achieving and maintaining water system compliance. Training of LHD staff is conducted extensively during these visits to inform, explain, and discuss new and updated program issues and procedures. The NCWS staff periodically updates a handbook for LHDs and distributes it to LHD staff. This handbook includes policies, procedures, guidance, templates, and forms to implement the drinking water program. The NCWS staff also presents topics at groundwater, other environmental health conferences, and training webinars.

4.3 Financial Assessments

Both new and existing systems have opportunities to achieve and maintain financial capacity. Financial capacity assessments are not required of existing systems unless serious deficiencies in technical or managerial capacity exist. However, voluntary participation in financial assessments has been increasing.

4.3.1 New Systems

New systems must demonstrate financial capacity before serving water to the public. In the NCWS Program, the system may receive help from the LHD during the permit application process to develop a financial plan. They must submit a financial plan, including a budget, to the LHD in order to receive approval to commence operation. In the CWS Program, systems submit their financial plan and supporting documents to the MDEQ for review and approval during the construction permit stage. Systems may complete their financial plan during the construction phase of the water system, but must receive approval prior to the final inspection to commence operation of the water system.

4.3.2 Existing Systems

To help existing CWS improve financial capacity, the ODWMA conducted financial assessments of systems that serve a population of less than 10,000 that could benefit from and agreed to an assessment. An analyst in the ODWMA revolving loan program assesses the selected communities' existing financial health and develops Financial Action Plans (FAP). The assessment is a review of financial documents and an on-site meeting with system representatives. An FAP is a tailor-made comprehensive plan to strengthen the system's financial situation based on the assessment. Short- and long-range goals are identified in the FAP followed by a step-by-step process to reach the goals. Useful tools to help complete the steps are included with the FAP, such as a sample water use and rate ordinance and a service agreement checklist. The assessment is not designed to provide funding; however, financing options are discussed at the on-site meeting. Further information on obtaining funding is provided with the FAP, such as forms to help apply to the DWRF. The system is expected to carry out the FAP, and the ODWMA is available to assist when requested. The FAP is intended to also be a guide for district staff. An outline of a typical assessment report is included in the Appendix. From FY 2011 to FY 2013, 7 CWS underwent financial assessments.

Another tool to help systems with financial and managerial capacity through asset management is the *Check Up Program for Small Systems.* This no-cost software program released by the USEPA can help small systems to develop an asset management plan.

4.4 Source Protection

Systems are continuing to take steps to protect their drinking water sources. The SDWA established and funded source water assessment activities, including Wellhead Protection Programs (WHPP) and Surface Water Intake Protection Programs (SWIPP) through the DWRF. The SDWA did not provide funding specifically for implementation of SWIPPs for surface water sources. Authority has been obtained to provide grants for communities to protect their surface water intake areas through the DWRF capacity development set aside funds, which is later described in Section 4.4.2.

4.4.1 Source Water Assessments to Protection

The SDWA required that all of Michigan's 18,000 CWS and NCWS drinking water sources be assessed in 2003. Potential sources of contamination were inventoried, and susceptibility to contamination was determined by the combined efforts of the ODWMA and local, state, and national agencies. A project to update the CWS assessments began in 2012 and are planned to be completed within the next three years as district staff conduct their sanitary surveys. The NCWS and LHD staff, which oversee these systems, have been provided a self-assessment form to identify risks to their source water and identify actions they can take to reduce those risks.

4.4.2 SWPP

A Wellhead Protection Program (WHPP) is a SWPP for water systems that rely upon water wells and it assists communities in protecting their groundwater sources. A goal of a WHPP is to minimize the potential for contamination by identifying and protecting the area that contributes to water supply wells and avoids costly groundwater cleanups. Of the 438 municipal systems in Michigan using groundwater as their water supply, 353 are involved in some aspect of wellhead protection, such as performing a delineation, inventorying the potential sources of contamination, and planning for emergencies. Of those 353 systems, 242 have completed all

the steps and have an approved WHPP or have met the substantial implementation standard. As a result, 80 percent of the population that obtains drinking water from groundwater is in communities taking action to protect their sources. Municipalities are encouraged to apply for a WHPP grant using a 50 percent local and 50 percent state match to fund activities involved in protecting their wellheads and updating their approved programs.

The ODWMA, Field Operations Section (FOS), through a contract with Michigan State University's Department of Civil and Environmental Engineering, developed the Michigan Groundwater Management Tool (MGMT), formally known as Michigan Interactive Groundwater for Wellhead Protection. The MGMT can scientifically map wellhead protection areas for public water supply wells using information from existing statewide databases such as Wellogic, Map Image Viewer, and the Groundwater Inventory Mapping project. The Wellhead Protection Area (WHPA) is the surface and subsurface area contributing groundwater to the well. Michigan's WHPP defines the WHPA with a 10-year time-of-travel. This provides a reasonable length of time to respond to environmental problems within the WHPA while providing an area that can be reasonably managed. The MGMT has developed comparably accurate predictions of spatially-detailed and representative groundwater flow patterns and WHPAs. Most of these MGMT delineations closely parallel traditionally developed WHPA's, which cost an average $36,000.

The ODWMA, FOS, is in the process of redefining "Substantial Implementation," allowing smaller systems to obtain this source water protection status, while increasing Michigan's population that is protected by these implemented activities. Nonmunicipal water systems can obtain substantial implementation by using a self-assessment to identify specific risks to their drinking water sources. Once risks have been identified, corrective actions can be put in place to reduce risk of contamination. This allows these systems to obtain substantial implementation since they have limited control of their WHPA as compared to municipal systems that may have local control by land use planning and ordinances. A total of 893 CWS and 895 NTNCWS systems had provisional delineations completed by the MGMT.

The SWIPP is the surface water counterpart to the WHPP. Under this program, communities develop partnerships with surrounding communities to identify and take action to protect the area around the intake and the watershed that impacts it. To date, seven communities have completed a SWIPP. A SWIPP grant program will begin in FY 2015, which may stimulate activities for municipalities that utilize surface water as their source for drinking water.

To further protect surface water intakes, the ODWMA worked with federal and local governmental agencies to install a continuous, real-time water quality monitoring network in the St. Clair River, Lake St. Clair, and Detroit River. Thirteen drinking water treatment facilities are equipped with a range of analytical devices. In addition, the city of Monroe has installed a probe for blue-green algae recently due to their vulnerability of microcystin produced by blue-green algae. The monitoring system includes data transmission, data visualization, automated notification/alarm service, and data archiving. In addition, rapid toxicity test equipment is being used to monitor water distribution systems in Southeast Michigan served by some of these surface water intakes. Nearly instantaneous communication is key to protecting surface water intakes because of the rapid rate of flow and corresponding changes in water quality compared to groundwater rates. Funding for this monitoring network helped purchase the equipment; however, local communities must pay to continue operation and maintenance of this equipment.

4.5 Operator Training and Certification

Due to amendments to Act 399, a properly certified operator must be available at all CWS, all NTNCWS, and certain TNCWS. These operators maintain their certification by meeting continuing education requirements through training offered in a variety of venues.

4.5.1 Operator Training and Certification Program (OTCP)

The ODWMA, OTCP, provides over 30 training courses each year. The OTCP certifies over 200 organizations and training providers that offer other opportunities for continuing education, including online courses. Operators certified in distribution systems must provide oversight at over 1,400 CWS and approximately 1,500 NTNCWS. Operators certified in treatment systems must provide oversight at CWS and NCWS that employ treatment.

A CWS that occasionally finds itself without a certified operator is usually due to unanticipated operator turnover, retirements, and the like. District staff work with each of these water systems to pursue an interim certified operator while also pursuing a permanent replacement. There is continual turnover of certified operators in NCWS, and the effort to retain certified operators at these small systems is an ongoing process.

Major OTCP activities during FY 2011 to FY 2013 include:

- Training opportunities available for small community and nontransient, noncommunity operators to meet renewal requirements for their certifications.
- Streamlined the operator certification renewal process.
- Offered webinars for continued education credits.
- Utilized subject matter experts (SME) to validate new questions for licensing examinations. The SME include water system operators holding licenses of the highest level in their category.
- Full implementation and promotion of a Web-based application allowing certified operators to view pertinent information regarding their certifications such as certificate renewal status, the list of courses completed, and other information.
- Provide a Web-based listing of all courses approved by the Advisory Board of Examiners (ABE) to assist drinking water personnel in accessing available training in order to maintain certification.
- Maintaining an Intranet Web-based program allowing ODWMA technical staff access to readily confirm a certified operator's status.
- Web-based search capabilities to manage and track certification and continuing education status of all staff associated with a specific water system.
- Development of all exams using Scantron scored questions, validated by SMEs.
- Promotion of the Level 5 Guide Book geared towards operators of NTNCWS.

- Implementation of rule changes to include technical and managerial training categories for continuing education requirements upon renewal.

4.5.2 Small System Training

For the past several years, ODWMA staff has conducted training specifically for small CWS and awarded continuing education credits to operators who participated. Many attendees are operators employed by more than one system or may also work at NTNCWS, so this targeted training is improving the operation and maintenance of many more systems than the number of operators attending. General topics covered new regulatory requirements, monitoring and reporting, communicating with the public, construction permit preparation, and operational issues. Special topics change each year and have included "Water Accounting – Audits and Leak Detections" and "Cleaning Small Diameter Water Mains," wellhead abandonment, and source water protection. In 2011 and 2012, 148 and 132 individuals, respectively, attended at 1 of 5 sites. In May 2013, 165 individuals attended this training.

Other small system training starts with "train-the-trainer" sessions conducted by the NCWS staff for LHD staff who then train NCWS operators. Topics range from current requirements and practices to discussions of new requirements and regulations.

Training of LHD staff is conducted to inform, explain, and discuss new and updated program issues and procedures. This training occurs in many ways, including formal educational events and during the program evaluation process. In FY 2013, 35 LHD staff and well drillers attended the Annual Groundwater and Wells Fundamental Course. This three-day class consisted of well construction standards, abandoned well plugging, drilling records submission, well driller responsibilities specific to PWS, and preparation for the well drillers exam. Other trainings included:

- Arsenic in Drinking Water – Small System Operator Training with 59 operators in two locations

- 2013 Michigan Environmental Health Association Annual Education Conference-Over 200 participants, some of whom are level 5 operators

Under contract with the ODWMA until December 31, 2013, LHDs provided continuing education for the level 5 operators. Staff conducted training for level 5 operators in several locations for the 2011-2013 time period where 711 operators attended to get information on how to better run their systems, including new regulations, new technologies, and other relevant information.

The NCWS staff has published a comprehensive study guide for individuals pursuing certification to operate an NCWS. It may also be useful for operators of other small CWS. Topics range from regulatory authority through source protection and system construction to monitoring and operation oversight. The guide is available on the Internet.

4.6 Security

The MDEQ, Water Security and Emergency Management Program, is responsive to the various federal programs and the needs of the public water systems. Planning, training, and coordinating are all a part of the effort to emphasize emergency management for all hazards; terrorism and malevolent acts as well as weather-related incidents and accidents.

The USEPA eliminated the Water Sector Security funding as of FY 2010. However, the USEPA Counterterrorism grant was extended until March 31, 2014.

Security tabletop exercises were completed as of March 31, 2014, in order to expend the remaining grant balance. Seventy- two table top exercises (TTXs) were conducted with an average evaluation of 4.5 out of 5, strongly agreeing that the TTX was beneficial. District staff will continue to be involved in safety and security enhancements through the construction permit process and the operation of new systems as well as during inspections.

4.7 Enforcement

Evaluations and compliance information becomes the basis for enforcement. When systems fail to return to compliance, escalated enforcement, including ACOs and MDEQ orders, can be initiated.

Before escalated enforcement is used, many systems are encouraged to return to compliance before they are assessed fines for violations. Michigan's administrative fines policy for monitoring and reporting violations helps enforce timely submittals of monthly operation reports (MOR) for systems that employ treatment and timely submittals of the Consumer Confidence Report (CCR), water systems have been reporting MORs and CCRs on time with few exceptions. Since administrative fines were initiated. No fines have been sought in recent years due to disinvestment in this enforcement action due to resource limitations.

When a fine is not applicable or does not prevent further violations, the ODWMA moves to a Notice of Violation and Administrative Consent Order (ACO). District staff prefers technical assistance over enforcement to return systems to compliance or to prepare them to meet upcoming requirements, especially when options are particularly expensive or when acceptable alternatives are not readily available. As a result, only 16 drinking water cases needed further enforcement action from FY 2011 through FY 2013. Of these, 13 were handled in the district and resolved with compliance schedules.

A majority of these cases were referred for escalation based on system inadequacies such as lack of sufficient capacity, water treatment plant deficiencies, or violations of active consent orders. Meeting the revised arsenic standard continues to be particularly difficult for a few small water systems that do not treat their water and have raised insufficient funds to install treatment to remove arsenic. A few of these cases have been referred to enforcement for failure to meet the deadlines and terms of the ACO. Many of the NTNCWS, that have not implemented a permanent solution, continue serving bottled water to remove the public health threat under an agreement with the ODWMA.

Privately-owned new CWS are subject to additional requirements to ensure they are able to provide an adequate supply of drinking water. Proposed systems must stipulate to certain conditions such as: obtain a local government's refusal to accept ownership of the system; establish an escrow account available to the ODWMA for immediate repair or maintenance of the system; provide contact information of operation personnel; and agree to seek MDEQ approval before transferring ownership. The stipulation ensures private owners understand their responsibilities prior to establishing the water system. The ODWMA has increased the minimum required escrow amount to $10,000.00, while also eliminating the requirement for new water system owners to enter into an ACO with the MDEQ.

4.8 Electronic Reporting

The ODWMA is working to develop electronic reporting systems to provide more convenience to water systems and more accurate and complete assessment of capacity. The successful implementation of the Internet-based reporting system for discharge monitoring reports prompted Michigan to expand the project to include electronic Drinking Water Reporting (eDWR.) When operational, the eDWR System will provide for online submittal of drinking water laboratory results and treatment plant operational data. The collection of data will allow the ODWMA to query certain parameters to assess capacity on a systemwide and statewide basis. Unfortunately, project implementation has been delayed due to lack of adequate staffing in both the Michigan Department of Technology, Management, and Budget and the PWSS Program.

4.9 Summary

Every three years the ODWMA must report to the Governor on the effectiveness of the CDP. This program is effective as evidenced by the high rates of compliance with drinking water standards and with monitoring and reporting requirements. An even more critical measure of the effectiveness of Michigan's CDP is the absence of any major waterborne disease outbreaks like those that have occurred in neighboring states and provinces.

Public water systems use a multibarrier approach to provide safe water. This approach begins with securing a safe source and continues with constructing quality infrastructure using a sound basis of design. This multibarrier approach is maintained by qualified personnel properly operating the system and routinely monitoring to confirm that the multibarriers are indeed functioning and the integrity of the water system is maintained on a continuous basis.

District staff periodically assesses the capacity of water systems through sanitary surveys and serves as a primary resource as systems address capacity issues. Programs available to systems include the DWRF, SWPP, operator training, financial assessments, and technical assistance provider services.

New regulations will continue to challenge water systems. Continuing endeavors to maintain TMF capacity will help to meet the challenges of these new regulations.

This report is available to the public, on request, or on the MDEQ Web site at http://www.michigan.gov/deqwater. Click on Drinking Water, Community Water Supply, and then Capacity Development Reports.

Appendix: Outline of a Typical Financial Assessment and Financial Action Plan (FAP)

Financial Assessment

Introduction: Population, location, transportation routes, and community characteristics; description of the water system and major projects or concerns such as expansion, securing loans, and meeting new drinking water standards; and major financial shortfall such as the need for a rate methodology.

Requested Information: Budget, last two years of audited records, water use and water rate ordinances, latest rate ordinance or resolution, recent rate or feasibility study, and contract or service agreements with outside customers.

Submitted Information: Supply usually does not provide all the information requested.

Analysis: Summary or highlights of each of the documents provided by the supply.

On-site Meeting: Date and attendees; and list of items discussed, such as the financial concerns, the billing method, and major recent projects.

FAP

Goal One: Develop the financial capability to fund present and future needs.

Task 1: Develop a capital improvement projects plan.

Step 1: List anticipated water projects.
Step 2: Estimate the cost of each project to be funded.
Step 3: Project the anticipated date the project is to begin.
Step 4: Calculate the dollar amount necessary to be set aside annually.
Step 5: Establish a line item in the budget for capital improvement expenditures.

Task 2: Develop and implement a rate setting methodology.

Step 1: Identify water system expenses.
Step 2: Identify replacement expenses and fund the replacement account.

Goal Two: Establish the legal and managerial capability to protect the water system.

Task 1: Develop a penalties section in the water ordinance.

Task 2: Adopt the amendment to the ordinance.

Tools Included With FAP

Sample resolution, sample water use and rate ordinance, service agreement checklist, DWRF informational brochure, DWRF project plan preparation guide, securing a DWRF loan fact sheet, and a fixed variable allocation spreadsheet to prepare the budget and determine water rates.

From: Scott, Allison (GOV)
Sent: Thursday, January 22, 2015 12:00 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV)
Cc: Posthumus, Dick (GOV)
Subject: jim ananich

Brought up the flint water topic – any update for Gov on this subject? Dennis, gov thought you were checking into this.

Thanks
ALS

From: Wurfel, Sara (GOV)
Sent: Tuesday, January 27, 2015 4:11 PM
To: Clayton, Stacie (GOV); Hollins, Harvey (GOV); Posthumus, Dick (GOV); Clement, Elizabeth (GOV)
Cc: Agen, Jarrod (GOV); Murray, David (GOV); Rospond, Laurie (GOV)
Subject: RE: Flint water issue

Thanks all.

Just asking about DEQ representation - don't know if that might be helpful given the relatively high level of involvement they have with this issue - both past and present, or if that was for a reason?

-----Original Message-----
From: Clayton, Stacie (GOV)
Sent: Tuesday, January 27, 2015 3:11 PM
To: Hollins, Harvey (GOV); Wurfel, Sara (GOV)
Cc: Agen, Jarrod (GOV); Murray, David (GOV)
Subject: RE: Flint water issue

Greetings All,

The meetings on Wednesday that Harvey referenced on Senior Staff call regarding the Flint water issue are actually being facilitated by Dick Posthumus' Office. They will be held in the Romney building as follows:

10:00am - 11:00am (Internal Meeting in the 2nd Floor Executive Conference Room) Dick Posthumus Dennis Muchmore John Walsh Beth Clement Tom Saxton Harvey Hollins

2:00pm-3:pm (Full Meeting in the Governor's Conference Room) Jerry Ambrose Mayor Walling Howard Croft, Director of the Department of Public Works Tom Saxton Dick Posthumus Dennis Muchmore Beth Clement Sen. Ananich Andy Leavitt John Walsh Harvey Hollins

-----Original Message-----
From: Hollins, Harvey (GOV)
Sent: Tuesday, January 27, 2015 2:30 PM
To: Wurfel, Sara (GOV)
Cc: Agen, Jarrod (GOV); Murray, David (GOV); Clayton, Stacie (GOV)
Subject: RE: Flint water issue

Stacie will set it up.

-----Original Message-----
From: Wurfel, Sara (GOV)
Sent: Tuesday, January 27, 2015 2:27 PM
To: Hollins, Harvey (GOV)
Cc: Agen, Jarrod (GOV); Murray, David (GOV); Clayton, Stacie (GOV)
Subject: Flint water issue

Hi there Harvey -

Just following up on this per brief conversation/mention at yesterday's senior staff meeting and Dave's voice mail to you as well.

I believe you had indicated you had a meeting on this tomorrow, yes?

We need to touch base and get all facts on this situation ASAP. Turning into unfortunate and unnecessary PR issue that we're trying to work with Treasury and DEQ to be on top of, stem, find resolution, etc.

Please call our office today to connect with Dave (as our lead on this) or myself or Jarrod if he's not available for some reason.

Thanks much,
SW

Sent from my iPad

From: Wurfel, Sara (GOV)
Sent: Friday, January 30, 2015 11:56 AM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Hollins, Harvey (GOV); Posthumus, Dick (GOV); Durfee, Sally (GOV); Agen, Jarrod (GOV); Murray, David (GOV)
Subject: Fwd: Rep Neeley's Release

Please see below.

Dave will bring this up during the 1:30 pm call on this issue today.

Sara Wurfel
Press Secretary | Executive Office of Governor Rick Snyder

Sent from my iPhone

Begin forwarded message:

> **From:** Katie Carey <kcarey@house.mi.gov>
> **Date:** January 30, 2015 at 11:46:03 AM EST
> **To:** "Wurfel, Sara (GOV)" <Wurfels@michigan.gov>
> **Subject: Rep Neeley's Release**
>
> Sara –
>
> Just wanted to give you a heads up that Rep Neeley sent a letter to the Gov and asked that I send out the following press release re the water situation in Flint.

FOR IMMEDIATE RELEASE
Friday, Jan. 30, 2015

Contact: Rep. Sheldon Neeley
Phone: (517) 373-8808

Neeley Sends Letter to Governor Concerning Flint Water Crisis

Legislator asks Gov. Snyder to consider plans to fix water system

LANSING – State Representative **Sheldon Neeley** (D-Flint) has sent a letter to Gov. Rick Snyder, as well as his chief of staff, Dennis Muchmore, and his senior advisor, Dick Posthumus, to inform them of the current crisis affecting the city of Flint's water supply. Residents have spoken out about the quality of the water,

calling it unsafe to drink. Photos taken by residents and Flint media have shown the water to be brownish in color, with sediment and other foreign bodies floating in it.

"In light of the rising and continuous concerns in the Flint community, it is imperative that the governor explores all options in his power to come to the aid of the community," Neeley said.

In the letter, Rep. Neeley asks for an executive decision by the governor to forgive Flint's water fund loan balance of nearly $20.8 million so that those funds may be used to help the city rebuild the infrastructure as well as provide a cost-effective water delivery system.

With this loan forgiveness, Rep. Neeley explains the city will be able to upgrade wastewater treatment processes, improve safe drinking water upgrades and maintain a water system that provides better water to the citizens of Flint.

"The people of Flint elected me to serve them first, and when I see my constituents on the verge of civil unrest, I must act swiftly and with passion," Neeley said. "I am hopeful this letter will bring the concerns of Flint to Gov. Snyder, and that will in turn open a dialogue about what can be done to help the community I love so much."

###

Katie Carey
Deputy Director of Democratic Central Staff
Press Secretary, House Democratic Leader Tim Greimel & the House Democratic Caucus
517.373.8924 (office)
[redacted](cell)
kcarey@house.mi.gov

From: Clayton, Stacie (GOV)
Sent: Friday, January 30, 2015 12:52 PM
To: Posthumus, Dick (GOV)
Subject: RE: Flint Conference Call

Thank you, Dick. I sent the appointment for 1:30pm today. You should have the appointment on your calendar with the call in number.

Stacie

From: Posthumus, Dick (GOV)
Sent: Friday, January 30, 2015 12:51 PM
To: Wisniewski, Wendy (GOV)
Cc: Clayton, Stacie (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
Subject: Re: Flint Conference Call

I can do it either time
Dick

Sent from my iPhone

On Jan 30, 2015, at 10:47 AM, "Wisniewski, Wendy (GOV)" <wisniewskiw@michigan.gov> wrote:

> 1:30 and 3:00 are the only times that work for both Dennis & Beth
>
> ---
>
> **From:** Clayton, Stacie (GOV)
> **Sent:** Friday, January 30, 2015 10:44 AM
> **To:** Wisniewski, Wendy (GOV); Hall, Jean (GOV); Rospond, Laurie (GOV); Brown, Jessica (GOV)
> **Cc:** Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Murray, David (GOV); Hollins, Harvey (GOV)
> **Subject:** Flint Conference Call
>
> Greetings All,
>
> Harvey would like to schedule a brief conference call today regarding next steps on Flint water matters. Please let me know DM. EC, JW, DP and DM availability for a call:
>
> 11:30am
> 12:00pm
> 1:00pm
> 1:30pm
> 2:00pm
> 2:30pm
> 3:00pm
>
> Thank you,
> ***Stacie***

From: Muchmore, Dennis (GOV)
Sent: Friday, September 25, 2015 1:28 PM
To: Posthumus, Dick (GOV); Ackerman, Darin (GOV); Lange, Michelle (GOV)
Subject: Fwd: Flint Talking Points
Attachments: Flint Lead TP 092415.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

> **From:** "Murray, David (GOV)" <MurrayD1@michigan.gov>
> **Date:** September 24, 2015 at 2:21:37 PM EDT
> **To:** "Wurfel, Sara (GOV)" <Wurfels@michigan.gov>, "Hollins, Harvey (GOV)" <hollinsh@michigan.gov>, "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>, "Clement, Elizabeth (GOV)" <clemente@michigan.gov>
> **Subject: FW: Flint Talking Points**
>
> ---
>
> **From:** Minicuci, Angela (DCH)
> **Sent:** Thursday, September 24, 2015 2:21 PM
> **To:** Murray, David (GOV) <MurrayD1@michigan.gov>; Wurfel, Brad (DEQ) <WurfelB@michigan.gov>
> **Cc:** Eisner, Jennifer (DCH) <EisnerJ@michigan.gov>
> **Subject:** Flint Talking Points
>
> Hey Brad and Dave,
>
> MDHHS talking points attached.
>
> Thank you,
>
> **Angela Minicuci**
> Office of External Relations and Communications
> Michigan Department of Health and Human Services
> Office: (517) 241-2112
> Mobile: [redacted]
> minicuciа@michigan.gov
> www.michigan.gov/mdhhs
>
> E-mail Confidentiality Notice: This message, including any attachments is intended solely for the use of the named recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure, or distribution of any confidential and/or privileged information contained in this e-mail is expressly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy any and all copies of the original message.

Blood Lead Levels in Flint Talking Points
September 24, 2015

- The results of the Hurley Children's Hospital are under review by the Michigan Department of Health and Human Services.
- The analysis that Hurley conducted is different from the way MDHHS has analyzed data regarding blood lead levels in Flint.
- MDHHS is looking to see if we can replicate the results of the Hurley study to see how they achieved their results.

Differences in Analysis

- MDHHS data provides a much more robust picture of the entire blood lead levels for the Flint area, and specifically, accounts for data over the full course of the past five years.
- Looking at the past five years as a whole provides a much more accurate look at the seasonal trends of lead in the area.
- Seasonal exposure is higher in the summer for a variety of reasons including children playing outside in the soil, and when windows are open and lead paint is more likely to be in the air. This seasonal increase would be unrelated to the water system.
- Our data includes children from the entire city, including all medical facilities, rather than just Hurley, has a larger age group of children, and includes a much larger sample size.
- The MDHHS analysis looks specifically at the first elevated blood lead level for each child, which provides an accurate picture of when first exposure occurred.
- The Hurley data includes a smaller sample size, much more limited time period (January-September of 2013 and 2015 only), and a smaller age group of children.

WIC Children

- In homes with infants on WIC, if the household has documentation from an official source of unsanitary water supply issues, that family may be eligible to receive ready-to-feed formula. Families should contact WIC to see if they are eligible.
- Each household would have to be looked at on an individual basis.
- WIC cannot cover bottled water.

From: Lange, Michelle (GOV)
Sent: Thursday, October 01, 2015 6:02 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Agen, Jarrod (GOV); Wurfel, Sara (GOV); Ackerman, Darin (GOV)
Subject: Phelps press release

Just FYI- Rep. Phelps put out this press release today. http://housedems.com/article/statement-state-rep-phil-phelps-d-flushing-his-foia-requests-pertaining-city-flint-water

Sally said that Treasury recevied his request on September 8th, sent him a letter to the address listed on the request on the 15th saying they would need until the 29th to respond and sent a letter of response on 29th to the address listed. I believe she said they were coordinating with DEQ. I don't have a copy of their response, but can get it for you tomorrow, if interested.

Please let me know if you need any other information. Sally has reached out to Rep. Phelps.

Thanks,

M.

From: Lange, Michelle (GOV)
Sent: Friday, October 02, 2015 9:58 AM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Agen, Jarrod (GOV); Wurfel, Sara (GOV); Ackerman, Darin (GOV)
Subject: RE: Phelps press release
Attachments: phelpsdnl092915.pdf; phelpsext091515.pdf

Here are the letters from Treasury in case you need them for anything.

Thanks,

M.

From: Lange, Michelle (GOV)
Sent: Thursday, October 1, 2015 6:02 PM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Ackerman, Darin (GOV) <ackermand3@michigan.gov>
Subject: Phelps press release

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Please let me know if you need any other information. Sally has reached out to Rep. Phelps.

Thanks,

M.

89 (Rev. 04-15)

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

September 29, 2015

Mr. Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

Dear Mr. Phelps:

This notice is issued in response to your request dated September 4, 2015, which you submitted under the Freedom of Information Act (FOIA), MCL 15.231 *et seq*. Your request was received in the Department of Treasury (Department) by electronic mail on September 8, 2015. As set forth in the Department's September 15, 2015 notice, a statutory extension of time to respond was taken through September 29, 2015.

You have requested records which you describe as: 1) All documents the Michigan Department of Treasury, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity; 2) All documents the Michigan Department of Treasury, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity; 3) All documents the Michigan Department of Treasury has in its possession, including correspondence, related to any communications between the Michigan Department of Treasury, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

To the extent we understand your description, your request is denied. After a thorough search of Department records, to the best of the undersigned's knowledge, information and belief, no such records as you describe, or by any other name reasonably known to the Department, regarding any "waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity," exist in the Department of Treasury.

In an effort to be cooperative, you may wish to contact the Department of Environmental Quality as they may have records responsive to your request.

As to the denial of your FOIA request, the Department is obligated to inform you that under section 10 of the FOIA, MCL 15.240 you may do the following:

1. Appeal this decision in writing to the State Treasurer, Michigan Department of Treasury, P.O. Box 30716, Lansing, MI 48909. The writing must specifically state the word "appeal" and must identify the reason or reasons you believe the denial should be reversed. The Department must respond to your appeal within 10 days of its receipt. Under unusual circumstances, the time for response to an appeal may be extended by 10 business days.

2. File an action in the appropriate court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements, and possible damages.

Pursuant to section 4 of the FOIA, MCL 15.234, the Department's FOIA procedures, guidelines and written summary can be found on the Department's website at the following link: http://michigan.gov/treasury/0,4679,7-121-72699-357926--,00.html.

Sincerely,

Carla M. Robert

Carla M. Robert
FOIA Coordinator

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

September 15, 2015

Mr. Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

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In order to search for records in the possession of the Department that may fall within the scope of your request, under section 5(2)(d) of the FOIA, MCL 15.235(2)(d), the Department is extending by ten business days the period to respond. We will issue a written notice no later than September 29, 2015.

Sincerely,

Carla M. Robert

Carla M. Robert
FOIA Coordinator

From: Murray, David (GOV)
Sent: Wednesday, October 07, 2015 6:12 PM
To: Agen, Jarrod (GOV); Wurfel, Sara (GOV); Biehl, Laura (GOV); Heaton, Anna (GOV); Kennedy, Jordan (GOV); Brown, Jessica (GOV); Paciorek, Josh (GOV); Lasher, Geralyn (DHHS); Minicuci, Angela (DHHS); Eisner, Jennifer (DHHS); Wurfel, Sara (GOV); Tommasulo, Karen (DEQ); Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Baird, Richard (GOV); Calley, Brian (GOV); Forstner, Nathaniel (GOV)
Subject: URGENT review please -- Draft Flint water release
Attachments: 151008 Flint water release DM.docx

Team,

Please review this draft press release for the Thursday announcement in Flint. This incorporates some suggested edits to the strong draft from DEQ earlier today.

Thank you very much.

Gov. Rick Snyder: Move back to Detroit water provides best protection for public health in Flint

State, Mott Foundation and city form partnership to fund switch

FLINT, Mich. – Flint families and children will be better protected by reconnecting with the Great Lakes Water Authority as the source of the city's drinking water, Gov. Rick Snyder said.

Snyder said Thursday that he will request the state Legislature to provide a portion of the $12 million needed to reconnect with the authority, with the Flint city government providing $2 million and the Charles Stewart Mott Foundation donating $4 million.

The Michigan Department of Health and Human Services and the Department of Environmental Quality today also committed an additional $3.5 million for water filters, free lead testing through the state laboratory for Flint water customers, and hiring additional staff to conduct health exposure monitoring for lead in drinking water.

Flint city leaders requested the state's help to fund the reconnection after a Wednesday meeting of Flint's Technical Advisory Committee. Flint's move to the Great Lakes Water Authority is expected to cost about $1.3 million per month until the Karegnondi Water Authority is completed next summer.

"All Flint residents need clean, safe drinking water," Snyder said. "The technical experts helping the city on its water advisory all agree this move back to the Great Lakes Water Authority provides the best public health protection for children and families. This effort today is the result of people coming together to solve a problem. I appreciate Detroit's willingness to reconnect with Flint, the Mott Foundation's generous donation, and the dedication of all parties to come together to protect Flint families and children."

The move to Detroit water, which is drawn from Lake Huron, carries many public health benefits. As large bodies of water, the Great Lakes are naturally prone to fewer problems from large rain events and other runoff issues that can be present in shallower rivers. Additionally, the Great Lakes Water Authority has already fully optimized its corrosion control, using phosphates to help coat the insides of pipes and prevent lead from leaching into the water.

However, reconnecting with the authority will not completely resolve the city's problem with lead service lines or aging infrastructure. It will take time for pipes in Flint to become coated with the phosphate corrosion control. Additionally, some households in the city could experience lead in their drinking water until all lead pipes and plumbing are replaced.

To best protect public health, Snyder said state and local authorities will continue to carry out steps outlined on Oct. 2 in a comprehensive action plan, including continued testing, the use of faucet filters and providing residents with accurate information about steps to eliminate lead in water.

Free filters are available for current MDHHS clients at the 125 E. Union St. or 4809 Clio Road MDHHS office locations.

For residents who are not currently enrolled in MDHHS assistance programs, free filters are available at the Genesee County Community Action Resource Department offices at 2727 Lippincott and 601 North Saginaw in Flint. Staff will be at all four locations from 9 a.m. to 4 p.m., Monday through Friday, to distribute filters and assist residents who have questions about proper installation.

At the Lippincott location only, extended hours will be offered this weekend, including until 7 p.m. on Thursday and Friday and from 10 a.m. to 2 p.m. on Saturday.

Other good practices for residents concerned about lead include turning on the cold water tap and running the water until it's as cold as it will go. Additionally, only use cold water for cooking, drinking and especially mixing baby formula.

School test results released; more investigation planned

The state today also released the first results from its lead screening program in schools and homes. Of 37 total samples taken at 13 buildings, four samples spread over three buildings exceeded the federal action level of 15 parts per billion.

However, this sampling provides only an initial screen, and the state is committing to further testing water and inspecting plumbing at these schools. Until testing is complete, schools are advised to continue using bottled water and filtration as a precaution to protect children.

In addition, free testing is still available for any other Flint school, including daycares and Head Starts. Free testing is also available for any Flint resident.

Additional information, including more detailed lead screening results, is available at www.michigan.gov/flintwater.

###

Dave Murray
Deputy Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]mobile
Twitter:@michigandmurray

RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

BRIAN CALLEY
LT. GOVERNOR

CONTACTS:	FOR IMMEDIATE RELEASE
Sara Wurfel or Dave Murray Governor's Office: 517-335-6397 Brad Wurfel, 517-284-6713 Department of Environmental Quality Jennifer Eisner, 517-230-9804 Department of Health and Human Services	Thursday, Oct. 8, 2015

Gov. Rick Snyder: Move back to Detroit water provides best protection for public health in Flint

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###

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Sent: Wednesday, October 07, 2015 6:46 PM
To: Murray, David (GOV); Agen, Jarrod (GOV); Wurfel, Sara (GOV); Heaton, Anna (GOV); Kennedy, Jordan (GOV); Brown, Jessica (GOV); Paciorek, Josh (GOV); Lasher, Geralyn (DHHS); Minicuci, Angela (DHHS); Eisner, Jennifer (DHHS); Wurfel, Sara (GOV); Tommasulo, Karen (DEQ); Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Baird, Richard (GOV); Calley, Brian (GOV); Forstner, Nathaniel (GOV)
Subject: RE: URGENT review please -- Draft Flint water release
Attachments: 151008 Flint water release_V2.docx

See new version attached. Small revisions made and placeholders added for Mayor and Mott Foundation Quotes.

From: Murray, David (GOV)
Sent: Wednesday, October 07, 2015 6:12 PM
To: Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Biehl, Laura (GOV) <BiehlL@michigan.gov>; Heaton, Anna (GOV) <HeatonA@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Brown, Jessica (GOV) <BrownJ53@michigan.gov>; Paciorek, Josh (GOV) <Paciorekj@michigan.gov>; Lasher, Geralyn (DHHS) <lasherg@michigan.gov>; Minicuci, Angela (DHHS) <MinicuciA@michigan.gov>; Eisner, Jennifer (DHHS) <EisnerJ@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Tommasulo, Karen (DEQ) <TommasuloK@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>; Calley, Brian (GOV) <[redacted]; Forstner, Nathaniel (GOV) <forstnern1@michigan.gov>
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Flint city leaders requested the state's help to fund the reconnection after a Wednesday meeting of Flint's Technical Advisory Committee. Flint's move to the Great Lakes Water Authority is expected to cost about $1.3 million per month until the Karegnondi Water Authority is completed next summer.

"All Flint residents need clean, safe drinking water," Snyder said. "The technical experts helping the city on its water advisory all agree this move back to the Great Lakes Water Authority provides the best public health protection for children and families. This effort today is the result of people coming together to solve a problem. I appreciate Detroit's willingness to reconnect with Flint, the Mott Foundation's generous donation, and the dedication of all parties to come together to protect Flint families and children."

The move to Detroit water, which is drawn from Lake Huron, carries many public health benefits. As large bodies of water, the Great Lakes are naturally prone to fewer problems from large rain events and other runoff issues that can be present in shallower rivers. Additionally, the Great Lakes Water Authority has already fully optimized its corrosion control, using phosphates to help coat the insides of pipes and prevent lead from leaching into the water.

However, reconnecting with the authority will not completely resolve the city's problem with lead service lines or aging infrastructure. It will take time for pipes in Flint to become coated with the phosphate corrosion control. Additionally, some households in the city could experience lead in their drinking water until all lead pipes and plumbing are replaced.

To best protect public health, Snyder said state and local authorities will continue to carry out steps outlined on Oct. 2 in a comprehensive action plan, including continued testing, the use of faucet filters and providing residents with accurate information about steps to eliminate lead in water.

Free filters are available for current MDHHS clients at the 125 E. Union St. or 4809 Clio Road MDHHS office locations.

For residents who are not currently enrolled in MDHHS assistance programs, free filters are available at the Genesee County Community Action Resource Department offices at 2727 Lippincott and 601 North Saginaw in Flint. Staff will be at all four locations from 9 a.m. to 4 p.m., Monday through Friday, to distribute filters and assist residents who have questions about proper installation.

At the Lippincott location only, extended hours will be offered this weekend, including until 7 p.m. on Thursday and Friday and from 10 a.m. to 2 p.m. on Saturday.

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School test results released; more investigation planned

The state today also released the first results from its lead screening program in schools and homes. Of 37 total samples taken at 13 buildings, four samples spread over three buildings exceeded the federal action level of 15 parts per billion.

However, this sampling provides only an initial screen, and the state is committing to further testing water and inspecting plumbing at these schools. Until testing is complete, schools are advised to continue using bottled water and filtration as a precaution to protect children.

In addition, free testing is still available for any other Flint school, including daycares and Head Starts. Free testing is also available for any Flint resident.

Additional information, including more detailed lead screening results, is available at www.michigan.gov/flintwater.

###

Dave Murray
Deputy Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]nobile
Twitter:@michigandmurray

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

CONTACTS:	FOR IMMEDIATE RELEASE
Sara Wurfel or Dave Murray Governor's Office: 517-335-6397 Brad Wurfel, 517-284-6713 Department of Environmental Quality Jennifer Eisner, 517-230-9804 Department of Health and Human Services	Thursday, Oct. 8, 2015

Gov. Rick Snyder: Move back to Detroit water provides best protection for public health in Flint

State, Mott Foundation and city form partnership to fund switch

FLINT, Mich. – Flint families and children will be better protected by reconnecting with the Great Lakes Water Authority as the source of the city's drinking water, Gov. Rick Snyder said.

Snyder said Thursday that he will request the state Legislature to provide half, or $6 million, of the $12 million needed to reconnect with the authority. The Flint city government will provide $2 million and the Charles Stewart Mott Foundation will donate $4 million.

"All Flint residents need clean, safe drinking water," Snyder said. "The technical experts helping the city on its water advisory all agree this move back to the Great Lakes Water Authority provides the best public health protection for children and families. This effort today is the result of people coming together to solve a problem. I appreciate Detroit's willingness to reconnect with Flint, the Mott Foundation's generous donation, and the dedication of all parties to come together to protect Flint families and children."

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INSERT MAYOR QUOTE HERE

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INSERT MOTT FOUNDATION QUOTE HERE

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###

From: Wurfel, Sara (GOV)
Sent: Wednesday, October 07, 2015 7:17 PM
To: Biehl, Laura (GOV); Murray, David (GOV); Agen, Jarrod (GOV); Heaton, Anna (GOV); Kennedy, Jordan (GOV); Brown, Jessica (GOV); Paciorek, Josh (GOV); Lasher, Geralyn (DHHS); Minicuci, Angela (DHHS); Eisner, Jennifer (DHHS); Tommasulo, Karen (DEQ); Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Baird, Richard (GOV); Calley, Brian (GOV); Forstner, Nathaniel (GOV); Hollins, Harvey (GOV); Wurfel, Brad (DEQ); Pallone, Maggie (DEQ)
Subject: RE: URGENT review please -- Draft Flint water release

Looping in Harvey, Brad and Maggie here too …

From: Biehl, Laura (GOV)
Sent: Wednesday, October 07, 2015 6:46 PM
To: Murray, David (GOV) <MurrayD1@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Heaton, Anna (GOV) <HeatonA@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Brown, Jessica (GOV) <BrownJ53@michigan.gov>; Paciorek, Josh (GOV) <Paciorekj@michigan.gov>; Lasher, Geralyn (DHHS) <lasherg@michigan.gov>; Minicuci, Angela (DHHS) <MinicuciA@michigan.gov>; Eisner, Jennifer (DHHS) <EisnerJ@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Tommasulo, Karen (DEQ) <TommasuloK@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>; Calley, Brian (GOV) <[redacted]; Forstner, Nathaniel (GOV) <forstnern1@michigan.gov>
Subject: RE: URGENT review please -- Draft Flint water release

See new version attached. Small revisions made and placeholders added for Mayor and Mott Foundation Quotes.

From: Murray, David (GOV)
Sent: Wednesday, October 07, 2015 6:12 PM
To: Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Biehl, Laura (GOV) <BiehlL@michigan.gov>; Heaton, Anna (GOV) <HeatonA@michigan.gov>; Kennedy, Jordan (GOV) <KennedyJ4@michigan.gov>; Brown, Jessica (GOV) <BrownJ53@michigan.gov>; Paciorek, Josh (GOV) <Paciorekj@michigan.gov>; Lasher, Geralyn (DHHS) <lasherg@michigan.gov>; Minicuci, Angela (DHHS) <MinicuciA@michigan.gov>; Eisner, Jennifer (DHHS) <EisnerJ@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Tommasulo, Karen (DEQ) <TommasuloK@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>; Calley, Brian (GOV) <[redacted]>; Forstner, Nathaniel (GOV) <forstnern1@michigan.gov>
Subject: URGENT review please -- Draft Flint water release

Team,

Please review this draft press release for the Thursday announcement in Flint. This incorporates some suggested edits to the strong draft from DEQ earlier today.

Thank you very much.

Gov. Rick Snyder: Move back to Detroit water provides best protection for public health in Flint

State, Mott Foundation and city form partnership to fund switch

FLINT, Mich. – Flint families and children will be better protected by reconnecting with the Great Lakes Water Authority as the source of the city's drinking water, Gov. Rick Snyder said.

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Additional information, including more detailed lead screening results, is available at www.michigan.gov/flintwater.

###

Dave Murray
Deputy Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]mobile
Twitter:@michigandmurray

From: Roberts, John (DTMB)
Sent: Wednesday, October 07, 2015 7:20 PM
To: Snyder, Rick (GOV)
Cc: Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Wyant, Dan (DEQ); Duncan, Nancy (DTMB); Scott, Allison (GOV)
Subject: Flint Funding Request
Attachments: City of Flint Water Funding Solution.pdf; ATT00001.htm

Governor –

Attached is a summary of the funding recommendations, from the departments, to address the Flint Water situation. The total state commitment would be $10.4m; $7.9m of that amount is GF/GP. [The DHHS number needs to be verified tomorrow morning, but the final number should be close to this estimate.]

The funding will address 4 priority areas:

1. Provision of filters for residential service;

2. 50% of the estimated cost to reconnect temporarily to the Detroit Water System;

3. Funding for testing water samples; and

4. Other state assistance (e.g., home/school/health facility inspections and follow-up for children with elevated blood levels).

We are preparing a formal supplemental request to transmit to the Legislature tomorrow. I intend to talk with Rep. Pscholka and Sen. Hildenbrand about including this funding in HB 4102, the pending supplemental bill now awaiting House concurrence. Assuming that they agree, we would ask for final action next week.

Are you ok proceeding with these numbers?

John

City of Flint Water - Funding Solution
State of Michigan Commitment

Agency	GF/GP	Gross	Comments
Filters:			
Health & Human Services	$1,016,000	$1,016,000	AY15 work project
Health & Human Services	$0	$1,000,000	DEQ State Restricted Settlement Funds provided to HHS Emergency Services local office (FY16 appropriation).
Subtotal Filters:	**$1,016,000**	**$2,016,000**	
Reconnect to DSW:			**Reconnection costs ~$1.3m/month x 9 mos. to be shared by state & Flint**
Environmental Quality	$5,000,000	$6,000,000	DEQ State Restricted Settlement Fund of $1m; balance GF/GP
Subtotal Reconnect:	**$5,000,000**	**$6,000,000**	
Testing Costs:			
Environmental Quality	$1,000,000	$1,000,000	Additional tests at state lab; cost per sample: $26
Subtotal Testing:	**$1,000,000**	**$1,000,000**	
Additional Agency Support:			
LARA	$0	$200,000	Support for plumbing inspectors to do schools (public and parochial) and health facilities (hospitals, Long Term Care, etc.).
MSHDA	$0	$249,900	
Health & Human Services	$600,000	$600,000	Follow-up on children with elevated blood levels
Environmental Quality	$300,000	$300,000	Home and school inspections.
Subtotal Additional Support:	**$900,000**	**$1,349,900**	
ALL TOTAL	**$7,916,000**	**$10,365,900**	

From: Clement, Elizabeth (GOV)
Sent: Monday, October 19, 2015 9:28 AM
To: Posthumus, Dick (GOV)
Subject: Flint water- Detroit News article

Sent from my iPad

Begin forwarded message:

> **From:** "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>
> **Date:** October 18, 2015 at 10:48:36 PM EDT
> **To:** "Wyant, Dan (DEQ)" <WyantD@michigan.gov>, "Pallone, Maggie (DEQ)" <PalloneM@michigan.gov>, "Sygo, Jim (DEQ)" <SygoJ@michigan.gov>, "Krisztian, George (DEQ)" <krisztiang@michigan.gov>
> **Cc:** "Tommasulo, Karen (DEQ)" <TommasuloK@michigan.gov>, "Wurfel, Sara (GOV)" <Wurfels@michigan.gov>, "Murray, David (GOV)" <MurrayD1@michigan.gov>, "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>, Jarrod Agen <jarrodagen@gmail.com>, "Clement, Elizabeth (GOV)" <clemente@michigan.gov>
> **Subject: Fwd: det news**
>
> http://www.detroitnews.com/story/news/environment/2015/10/18/deq-mistakes/74198882/

From: Wurfel, Sara (GOV)
Sent: Monday, November 16, 2015 9:39 AM
To: Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Redford, James (GOV); Weber, Travis (GOV); Hollins, Harvey (GOV); Walsh, John (GOV); Posthumus, Dick (GOV); Mcbride, Bill (GOV)
Cc: Murray, David (GOV)
Subject: Fwd: Residents of Flint, Michigan, to Sue City, State over Lead in Drinking Water

Per quick convo at senior staff meeting this am ....

Sara Wurfel
Press Secretary | Executive Office of Governor Rick Snyder

Sent from my iPhone

Begin forwarded message:

From: Arthur Delaney <arthur@huffingtonpost.com>
Date: November 16, 2015 at 9:14:54 AM EST
To: "Wurfel, Sara (GOV)" <wurfels@michigan.gov>
Subject: Fwd: Residents of Flint, Michigan, to Sue City, State over Lead in Drinking Water

Hi, I am filing a short story on this lawsuit -- please let me know if the governor's office would care to comment.

---------- Forwarded message ----------
From: **Margie Kelly** <mkelly@nrdc.org>
Date: Mon, Nov 16, 2015 at 9:00 AM
Subject: Residents of Flint, Michigan, to Sue City, State over Lead in Drinking Water
To: jason.cherkis@huffingtonpost.com

FOR IMMEDIATE RELEASE

Contacts: Margie Kelly, NRDC, mkelly@nrdc.org, 312-651-7935; Darrell Dawsey, ACLU of Michigan, ddawsey@aclumich.org, 313-578-6831

Residents of Flint, Michigan, to Sue City, State over Lead in Drinking Water

Natural Resources Defense Council, ACLU of Michigan Start Legal Process to Stop Ongoing Violations of the Safe Drinking Water Act

CHICAGO (November 16, 2015) – Residents of Flint, Mich., together with the ACLU of Michigan and the Natural Resources Defense Council, today announced their intention to sue state and city officials for ongoing violations of the federal Safe Drinking Water Act amid the city's widespread lead-contamination crisis. A lawsuit would force officials to address repeated, systemic failures to follow federal rules designed to protect the public health from dangerous levels of lead exposure.

“The community of Flint is strong and united in our commitment to repair the harm lead exposure has inflicted on our children and families. We are taking a stand so that our community can heal the damage that has been done and work together so that justice can prevail,” said Pastor Allen Overton, a leader of the Concerned Pastors for Social Action.

“This action is about holding the government accountable for failing to protect the public health of an entire community,” said Anjali Waikar, an environmental justice staff attorney at the Natural Resources Defense Council. “This case also highlights a troubling trend in which the government is willing to cut costs at the expense of its most vulnerable citizens,” Waikar said.

“In their short-sighted effort to save a buck, the leaders who were supposed to be protecting Flint’s citizens instead left them exposed to dangerously high levels of lead contamination,” said Michael Steinberg, legal director for the ACLU of Michigan. “Not only were the city and state’s actions dangerous and misguided. They were illegal, too.”

Dangerous amounts of lead leached out of the city’s pipes and into the drinking water of Flint’s homes and schools for more than a year following a decision by Flint officials to eschew Detroit's water supply in favor of using the Flint River as the City’s primary drinking water source. Not long after the switch, residents began to complain about the smell and discoloration of the water and, later, physical ailments stemming from the tainted water.

Officials working on behalf of Flint insisted for several months that the water was safe. However, water tests conducted by experts from Virginia Tech proved those assurances to be wrong, and a study by a local pediatrician that showed that the proportion of Flint kids with elevated blood lead levels had doubled since the City switched water sources. After officials could no longer deny that the community’s drinking water was contaminated, Michigan Gov. Rick Snyder finally conceded that Flint should stop using the river water and return to the Detroit water system.

Despite this move, though, city and state officials have continued to violate federal legal requirements for monitoring and sampling tap water for lead, notifying the public about water-testing results and maintaining corrosion control from Flint’s lead pipes.

"So much irreparable harm has been done as a direct result of the failures and lack of oversight perpetrated by the City of Flint and Michigan officials who are the very people we relied on to keep us safe. This lawsuit gives me hope that this will stop and no other city will have to endure the physical, property, and emotional damage that Flint residents have," said Melissa Mays of Water You Fighting For, a Flint-based organization.

There is no safe level of lead exposure. The toxic effects of lead on virtually every system in the body, and particularly on the developing brains of young children, are well documented. It can also contribute to high blood pressure and other health problems in adults. Even low levels of lead in the blood have been shown to affect IQ, ability to pay attention, and academic achievement, effects that are irreversible.

The Notice of Intent to Sue was served on behalf of Concerned Pastors for Social Action, an association of religious leaders from Flint; Melissa Mays, a Flint resident; the ACLU of Michigan; and the Natural Resources Defense Council. The groups assert that since April 2014, the City of Flint and Michigan state officials have failed to monitor and control for lead in Flint’s drinking water and maintain a program to assist Michigan schools with lead testing and remediation, in violation of the federal Safe Drinking Water Act. If City of Flint and Michigan state officials – including Governor Rick Snyder and Dan Wyant, Director of Michigan Department of Environmental Quality - do not remedy violations under the Safe Drinking Water Act within sixty days, the groups intend to file a lawsuit in federal court.

Flint and state officials have known since 2011 that choosing the Flint River as a drinking water source could result in lead contamination issues, due to its highly corrosive properties. Yet state and city officials insisted that the water was safe to drink - even after testing found dangerously high lead levels in some residents’ tap water. Citizen concerns about high lead levels were dismissed by state and city officials as “near hysteri[cal]” and “irresponsible,” despite well-established evidence that there is no safe level of lead exposure, and that even low levels of lead in the blood have been shown to affect IQ, ability to pay attention, and academic achievement, effects that are irreversible.

The Notice of Intent to Sue is required under the Safe Drinking Water Act as a prerequisite to filing suit.

###

For nearly 100 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. The ACLU of Michigan was officially established in 1959 as part of that mission.

The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 2 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Bozeman, MT, and Beijing. Visit us atwww.nrdc.org and follow us on Twitter @NRDC.

If you would rather not receive future communications from Natural Resources Defense Council, let us know by clicking here.
Natural Resources Defense Council, 40 West 20th Street 11th Floor, New York, NY 10011 United States

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Reporter | Huffington Post
(202) 624-9396 desk | [redacted]
Twitter @ArthurDelaneyHP

From: Weber, Travis (GOV)
Sent: Monday, November 16, 2015 10:00 AM
To: Wurfel, Sara (GOV); Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Redford, James (GOV); Hollins, Harvey (GOV); Walsh, John (GOV); Posthumus, Dick (GOV); Mcbride, Bill (GOV)
Cc: Murray, David (GOV)
Subject: RE: Residents of Flint, Michigan, to Sue City, State over Lead in Drinking Water
Attachments: 2015-11-16-SDWA-Notice of Intent to Sue-Flint-FINAL.PDF

And if you wanted a little light reading—from the NRDC—their notice of intent to sue

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From: Wurfel, Sara (GOV)
Sent: Monday, November 16, 2015 9:39 AM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Weber, Travis (GOV) <WeberT7@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Walsh, John (GOV) <WalshJ@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Mcbride, Bill (GOV) <mcbrideb@michigan.gov>
Cc: Murray, David (GOV) <MurrayD1@michigan.gov>
Subject: Fwd: Residents of Flint, Michigan, to Sue City, State over Lead in Drinking Water

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Sara Wurfel
Press Secretary | Executive Office of Governor Rick Snyder

Sent from my iPhone

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> From: **Margie Kelly** <mkelly@nrdc.org>
> Date: Mon, Nov 16, 2015 at 9:00 AM
> Subject: Residents of Flint, Michigan, to Sue City, State over Lead in Drinking Water
> To: jason.cherkis@huffingtonpost.com
>
> FOR IMMEDIATE RELEASE
>
> Contacts: Margie Kelly, NRDC, mkelly@nrdc.org, 312-651-7935; Darrell Dawsey, ACLU of Michigan, ddawsey@aclumich.org, 313-578-6831

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"The community of Flint is strong and united in our commitment to repair the harm lead exposure has inflicted on our children and families. We are taking a stand so that our community can heal the damage that has been done and work together so that justice can prevail," said Pastor Allen Overton, a leader of the Concerned Pastors for Social Action.

"This action is about holding the government accountable for failing to protect the public health of an entire community," said Anjali Waikar, an environmental justice staff attorney at the Natural Resources Defense Council. "This case also highlights a troubling trend in which the government is willing to cut costs at the expense of its most vulnerable citizens," Waikar said.

"In their short-sighted effort to save a buck, the leaders who were supposed to be protecting Flint's citizens instead left them exposed to dangerously high levels of lead contamination," said Michael Steinberg, legal director for the ACLU of Michigan. "Not only were the city and state's actions dangerous and misguided. They were illegal, too."

Dangerous amounts of lead leached out of the city's pipes and into the drinking water of Flint's homes and schools for more than a year following a decision by Flint officials to eschew Detroit's water supply in favor of using the Flint River as the City's primary drinking water source. Not long after the switch, residents began to complain about the smell and discoloration of the water and, later, physical ailments stemming from the tainted water.

Officials working on behalf of Flint insisted for several months that the water was safe. However, water tests conducted by experts from Virginia Tech proved those assurances to be wrong, and a study by a local pediatrician that showed that the proportion of Flint kids with elevated blood lead levels had doubled since the City switched water sources. After officials could no longer deny that the community's drinking water was contaminated, Michigan Gov. Rick Snyder finally conceded that Flint should stop using the river water and return to the Detroit water system.

Despite this move, though, city and state officials have continued to violate federal legal requirements for monitoring and sampling tap water for lead, notifying the public about water-testing results and maintaining corrosion control from Flint's lead pipes.

"So much irreparable harm has been done as a direct result of the failures and lack of oversight perpetrated by the City of Flint and Michigan officials who are the very people we relied on to keep us safe. This lawsuit gives me hope that this will stop and no other city will have to endure the physical, property, and emotional damage that Flint residents have," said Melissa Mays of Water You Fighting For, a Flint-based organization.

There is no safe level of lead exposure. The toxic effects of lead on virtually every system in the body, and particularly on the developing brains of young children, are well documented. It can also contribute to high blood pressure and other health problems in adults. Even low levels of lead in the blood have been shown to affect IQ, ability to pay attention, and academic achievement, effects that are irreversible.

The Notice of Intent to Sue was served on behalf of Concerned Pastors for Social Action, an association of religious leaders from Flint; Melissa Mays, a Flint resident; the ACLU of Michigan; and the Natural Resources Defense Council. The groups assert that since April 2014, the City of Flint and Michigan state officials have failed to monitor and control for lead in Flint's drinking water and maintain a program to assist Michigan schools with lead testing and remediation, in violation of the federal Safe Drinking Water

Act. If City of Flint and Michigan state officials – including Governor Rick Snyder and Dan Wyant, Director of Michigan Department of Environmental Quality - do not remedy violations under the Safe Drinking Water Act within sixty days, the groups intend to file a lawsuit in federal court.

Flint and state officials have known since 2011 that choosing the Flint River as a drinking water source could result in lead contamination issues, due to its highly corrosive properties. Yet state and city officials insisted that the water was safe to drink - even after testing found dangerously high lead levels in some residents' tap water. Citizen concerns about high lead levels were dismissed by state and city officials as "near hysteri[cal]" and "irresponsible," despite well-established evidence that there is no safe level of lead exposure, and that even low levels of lead in the blood have been shown to affect IQ, ability to pay attention, and academic achievement, effects that are irreversible.

The Notice of Intent to Sue is required under the Safe Drinking Water Act as a prerequisite to filing suit.

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For nearly 100 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. The ACLU of Michigan was officially established in 1959 as part of that mission.

The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 2 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Bozeman, MT, and Beijing. Visit us atwww.nrdc.org and follow us on Twitter @NRDC.

If you would rather not receive future communications from Natural Resources Defense Council, let us know by clicking here.
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November 16, 2015

By Certified Mail, Return Receipt Requested

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Governor Rick Snyder
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Re: Notice of Intent to Sue Under the Safe Drinking Water Act, 42 U.S.C. § 300j-8(b)(1)(a), for Failure to Control Lead in Drinking Water in Flint, Michigan, and Failure to Assist Michigan Schools with Lead Testing and Remediation

We write on behalf of Concerned Pastors for Social Action, Melissa Mays, the American Civil Liberties Union of Michigan (ACLU of Michigan), and the Natural

Resources Defense Council (NRDC), nonprofit citizens' organizations and individuals working to secure safe drinking water for the residents of Flint, Michigan. Since April 2014, the City of Flint and Michigan state officials have failed to monitor and control for lead in Flint's drinking water, and to maintain a program to assist Michigan schools with lead testing and remediation, in violation of the Safe Drinking Water Act, 42 U.S.C. § 300f et seq. This letter provides notice pursuant to 42 U.S.C. § 300j-8(b)(1)(a) that we intend to sue the City of Flint; Rick Snyder, Governor of Michigan; Dan Wyant, Director of Michigan Department of Environmental Quality; Nick A. Khouri, Treasurer of Michigan; Frederick Headen, Chairperson of the Flint Receivership Transition Advisory Board (Board); Brian Larkin, David McGhee, Robert McMahan, and Beverly Walker-Griffea, Members, RTAB; and Natasha Henderson, Flint City Administrator, if these violations are not remedied within sixty days.[1]

Concerned Pastors for Social Action is an association of religious leaders from more than thirty churches and ministries in the Flint area that has advocated for the rights of the underserved for nearly fifty years. Melissa Mays is a Flint resident whose family has suffered from serious health problems as a result of the City's failure to provide safe drinking water. The ACLU of Michigan works in courts, legislatures, and communities to preserve the protections that our laws guarantee to all citizens. NRDC is a national membership organization committed to protecting public health and the environment and to reducing the exposure of all communities to toxic chemicals. These groups and individuals continue to be harmed by the violations of the Safe Drinking Water Act by the City and Michigan state officials, detailed below.

I. City and State officials have exposed and continue to expose Flint residents to dangerous amounts of lead in drinking water

A. The City, Emergency Manager, and State Treasurer chose the Flint River as a primary drinking-water source

In the fall of 2011, Michigan Governor Rick Snyder declared a financial emergency in the City of Flint and appointed an emergency manager to take control of the City's operations and finances.[2] Flint Mayor Dayne Walling and the City Council were stripped of all authority except as specifically allowed by the Emergency Manager, and the City was placed in state receivership.[3] Under Michigan's Local Financial Stability and Choice Act, an

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[1] These individuals are noticed in their official capacities.

[2] *See* Mich. Comp. Laws § 141.1549; Letter from Gov. Rick Snyder to Mayor Dayne Walling and Flint City Council (Nov. 8, 2011), http://www.michigan.gov/documents/treasury/Flint-GovernorsDetermination-11-8-11_417435_7.pdf (attached as Ex. 1); Dawson Bell, *Governor names Flint native as city's emergency financial manager*, Detroit Free Press, Nov. 30, 2011, http://www.freep.com/article/20111130/NEWS06/111300370/Governor-names-Flint-native-city-s-emergency-financial-manager (attached as Ex. 2).

[3] Mich. Comp. Laws § 141.1549(2).

Emergency Manager has "broad powers" to "rectify the financial emergency and to assure fiscal accountability of the local government."[4]

While under control of the Emergency Manager, the City faced decisions about the future of its drinking-water supply. For fifty years, the City had purchased drinking water from the Detroit Water and Sewerage Department (Detroit), which sources water from Lake Huron.[5] In response to rising water rates charged by Detroit, in March 2013, the City Council voted to join the Karegnondi Water Authority (KWA), a newly formed municipal water supply system. The KWA was planning to build a pipeline to distribute water directly from Lake Huron to mid-Michigan communities, including Genesee County, where Flint is located.[6] The City Council's vote did not become effective until several weeks later, after both the Emergency Manager and State Treasurer approved the decision.[7]

The City's contract with Detroit was set to expire in April 2014, at least eighteen months before the KWA pipeline was scheduled to be completed.[8] Faced with a year-and-a-half gap in the City's water supply, the Emergency Manager declined to negotiate a short-term contract with Detroit and decided instead to use the Flint River as a primary drinking-water source.[9] The City had previously explored—and rejected—the Flint River as a primary drinking-water source. This is because the Flint Water Treatment Plant would have required fifty million dollars in upgrades to treat the river water and "produce finished water in conformance with the current federal and state drinking water regulations."[10]

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[4] *Id.*

[5] *See* Dominic Adams, *Closing the valve on history: Flint cuts water flow from Detroit after nearly 50 years*, Michigan Live, Apr. 25, 2014, http://www.mlive.com/news/flint/index.ssf/2014/04/closing_the_valve_on_history_f.html (attached as Ex. 3).

[6] Steve Carmody, *Flint opting to get its future tap water from Lake Huron*, Michigan Radio, Mar. 25, 2013, http://michiganradio.org/post/flint-opting-get-its-future-tap-water-lake-huron#stream/ (attached as Ex. 4); Karegnondi Water Authority, About, http://www.karegnondi.com/#!about/c20r9 (last visited Nov. 13, 2015) (attached as Ex. 5).

[7] *See* Mich. Comp. Laws § 141.1552(1)(g), (3); Emergency Manager, Resolution to Purchase Capacity from Karegnondi Water Authority (adopted Mar. 29, 2013) (attached as Ex. 6); Letter from Andy Dillon, State Treasurer, to Edward Kurtz, Emergency Manager (Apr. 11, 2013) (authorizing Emergency Manager to enter into contract with KWA) (attached as Ex. 7).

[8] Sarah Schuch, *KWA pipeline work continues as Flint water lead concerns rise*, Michigan Live, Sept. 25, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/kwa_pipeline_projected_to_be_c.html (attached as Ex. 8); *see* Ron Fonger, *Detroit gives notice: It's terminating water contract covering Flint, Genesee County in one year*, Michigan Live, Apr. 19, 2013, http://www.mlive.com/news/flint/index.ssf/2013/04/detroit_gives_notice_its_termi.html (attached as Ex. 9).

[9] Letter from Darnell Earley, Emergency Manager, to Sue McCormick, Detroit Water & Sewer Dep't (Mar. 7, 2014) (explaining that the City "has actively pursued using the Flint River as a temporary water source" instead of accepting Detroit's offer to provide water to the City) (attached as Ex. 10).

[10] Cost of Service Study (2011), Appendix 8 to Analysis of the Flint River as a Permanent Water Supply for the City of Flint, http://www.scribd.com/doc/64382181/Analysis-of-the-Flint-River-as-a-Permanent-Water-Supply-for-the-City-of-Flint-July-2011-Appendices-1-to-8 (attached as Ex. 11);

Under the Safe Drinking Water Act's Lead and Copper Rule, Flint's water system could not use the Flint River as a water source without first obtaining approval from the Michigan Department of Environmental Quality (MDEQ). The Lead and Copper Rule required MDEQ to approve both the City's proposed addition of a new water source (the Flint River) and the long-term change in water treatment (from treatment through Detroit's water plant to treatment at the Flint Water Treatment Plant).[11] In April 2014, MDEQ approved the switch to river water.[12] The City immediately began pumping Flint River water through the City's distribution pipes and into residents' taps.

B. Dangerous lead contamination results from the City's switch to river water

In the twenty months following the switch in water sources, residents' drinking water has been at times cloudy, discolored, and foul-smelling.[13] Residents reported that they have experienced hair loss, skin rashes, and vomiting after drinking the water.[14] In the summer of 2014, the City was forced to issue several boil-water notices after tap water tested positive for total coliform bacteria.[15] The City's subsequent treatment of the water to kill disease-carrying pathogens resulted in elevated levels of total trihalomethanes, a disinfection byproduct that can cause serious health problems, including an increased risk of cancer.[16]

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see also Kristin Longley, *Water pipeline v. Flint River: City of Flint studying its drinking water options*, Michigan Live, Jan. 22, 2011, http://www.mlive.com/news/flint/index.ssf/2011/01/water_pipeline_vs_flint_river.html (attached as Ex. 12); Dominic Adams, *Flint River now an option for drinking water following Detroit's termination of contract*, Michigan Live, July 23, 2013, http://www.mlive.com/news/flint/index.ssf/2013/07/city_readying_water_plant_to_t.html (quoting city officials' explanation for rejecting use of Flint River: "upgrades to Flint's water plant would be too expensive, the river didn't provide enough capacity to serve Flint residents' water needs and the Michigan Department of Environmental Quality would not allow it") (attached as Ex. 13).

[11] 40 C.F.R. § 141.90(a)(3); *see also id.* § 141.81(a)-(b).

[12] *See* Adams, *Closing the valve on history*, *supra* note 5 (Ex. 3).

[13] *See* Curt Guyette, *In Flint, Michigan, Overpriced Water is Causing People's Skin to Erupt in Rashes and Hair to Fall Out*, The Nation, July 16, 2015, http://www.thenation.com/article/in-flint-michigan-overpriced-water-is-causing-peoples-skin-to-erupt-and-hair-to-fall-out/ (attached as Ex. 14); Wenonah Hauter, *Flint's Brown Water Blues*, Huffington Post, July 10, 2015, http://www.huffingtonpost.com/wenonah-hauter/flints-brown-water-blues_b_7765132.html (attached as Ex. 15).

[14] Laura Gottesdiener, *Flint, Mich., residents find state water control hard to swallow*, Al Jazeera America, Apr. 3, 2015, http://america.aljazeera.com/articles/2015/4/3/flint-residents-find-state-water-control-hard-to-swallow.html (attached as Ex. 16).

[15] Ron Fonger, *Flint issues boil water advisory for section of the city after positive test result for total coliform bacteria*, Michigan Live, Sept. 5, 2014, http://www.mlive.com/news/flint/index.ssf/2014/09/flint_issues_boil_water_adviso.html (attached as Ex. 17).

[16] Robin Erb, *Who wants to drink Flint's water?*, Detroit Free Press, Jan. 23, 2015, http://www.freep.com/story/news/local/michigan/2015/01/22/water-woes-latest-hit-flint/22193291/ (attached as Ex. 18); Mich. Dep't of Envtl. Quality, Violation Notice—Maximum Contaminant Level for Total Trihalomethanes (Dec. 16, 2014) (attached as Ex. 19); U.S. EPA, Basic Information about Disinfection Byproducts in Drinking Water, http://water.epa.gov/drink/contaminants/basicinform

Because Flint River water is also highly corrosive, dangerous amounts of lead began to leach out of pipes and into the City's drinking water.[17] Lead in drinking water occurs primarily from corrosion of pipes and other plumbing materials that contain lead or lead solder.[18] The Lead and Copper Rule requires water systems to manage lead levels by controlling corrosion, which is often accomplished by adding corrosion-inhibiting chemicals.[19] Water systems must implement and maintain an "optimal" corrosion-control treatment program that "minimizes the lead . . . concentrations at users' taps."[20]

Flint did not consider how to control the corrosivity of the river water before switching water sources, nor did MDEQ require the City to implement any corrosion-control measures. Rather, beginning in April 2014, the City did not use any form of treatment to control corrosion.[21] The City waited until after its residents were drinking the river water to assess whether it posed a risk of increased lead exposure. MDEQ endorsed this approach. In June 2014, Flint's water system initiated the first of two six-month monitoring periods to test tap water for lead under the Lead and Copper Rule; the second six-month period ran from January to June 2015.[22] During these monitoring periods, the water system used flawed testing methods that appear to have been designed to underreport the lead content of residents' drinking water.[23]

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ation/disinfectionbyproducts.cfm (last updated Dec. 13, 2013) (attached as Ex. 20); *see also* 40 C.F.R. § 141.64(b).

[17] Marc Edwards, *Test Update: Flint River water 19X more corrosive than Detroit water for Lead Solder; Now What?*, Flint Water Study (Sept. 11, 2015), http://flintwaterstudy.org/2015/09/test-update-flint-river-water-19x-more-corrosive-than-detroit-water-for-lead-solder-now-what/ (attached as Ex. 21); Marc Edwards, *Flint River water is very corrosive to lead, and causing lead contamination in homes*, Flint Water Study (Sept. 2, 2015), http://flintwaterstudy.org/2015/09/flint-rivers-water-is-very-corrosive-to-lead-and-causing-lead-contamination-in-homes/ (attached as Ex. 22). The river water is so corrosive that in October 2014, a local GM engine plant decided to switch back to Lake Huron water to avoid damage to equipment at the plant from corrosion. Brianna Owczarzak, *GM says no to Flint water*, WNEM, Oct. 14, 2014, http://www.wnem.com/story/26785625/gm-says-no-to-flint-water (attached as Ex. 23).

[18] *See* Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper, 56 Fed. Reg. 26,460, 26,464 (June 7, 1991).

[19] *See* 40 C.F.R. § 141.82.

[20] *Id.* §§ 141.2; 141.80(d).

[21] *See* Email from Pat Cook, MDEQ, to Miguel Del Toral, U.S. EPA (Apr. 24, 2015) (attached as Ex. 24).

[22] *See* 40 C.F.R. § 141.86; Email from Pat Cook, *supra* note 21 (Ex. 24).

[23] *See infra* pp. 11-13.

Flint's monitoring data showed that some residents' water contained lead at concentrations above the federal "action level" of 15 parts per billion (ppb).[24] These high lead levels put residents at risk of a broad array of serious, irreversible health effects, including cognitive impairment, kidney damage, and increased blood pressure.[25] When the Environmental Protection Agency (EPA) learned of these high lead sampling results in February 2015, it notified MDEQ officials that the sampling results raised significant concerns about corrosion from lead pipes in Flint's distribution system.[26] Nonetheless, throughout the monitoring periods, the City and MDEQ maintained that these high lead levels were isolated and that the data, taken together, demonstrated Flint's compliance with the Lead and Copper Rule.[27]

C. Community advocacy and independent testing prompt long past due response from City and State officials

As the City concluded its second six-month round of sampling in July 2015, and notified some Flint residents of elevated lead levels in their tap water, the community became increasingly concerned. A small coalition of local groups, including Water You Fighting For and Concerned Pastors for Social Action, began working with researchers at Virginia Tech to conduct their own lead sampling of Flint's water. The Virginia Tech scientists found that ten percent of the more than 250 samples collected from Flint residences had lead levels of 25 ppb or more, well above the federal action level for lead.[28] Several samples exceeded 100 ppb, and one sample exceeded 1000 ppb.[29] Though aware of

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[24] *See* Mich. Dep't of Envtl. Quality, Lead and Copper Report and Consumer Notice of Lead Result Certificate for Community Water Supply (Aug. 20, 2015) (showing six samples with lead levels over the action level) (attached as Ex. 25); 40 C.F.R. § 141.80(c)(1).

[25] *See, e.g.*, U.S. EPA, Integrated Science Assessment for Lead tbl.ES-1 (June 2013) (attached as Ex. 26); U.S. EPA, Basic Information About Lead in Drinking Water, http://water.epa.gov/drink/contaminants/basicinformation/lead.cfm (last updated June 26, 2015) (explaining that "[i]nfants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development," and that "[a]dults who drink this water over many years could develop kidney problems or high blood pressure") (attached as Ex. 27); *see also* National Ambient Air Quality Standards for Lead, 80 Fed. Reg. 278, 290 (Jan. 5, 2015).

[26] *See, e.g.*, Email from Jennifer Crooks, U.S. EPA, to Stephen Busch, MDEQ, and Mike Prysby, MDEQ (Feb. 26, 2015) (attached as Ex. 28).

[27] *See* Nancy Kaffer, *MDEQ e-mails show stunning indifference to Flint peril*, Detroit Free Press, Oct. 22, 2015, http://www.freep.com/story/opinion/columnists/nancy-kaffer/2015/10/21/indifference-characterized-state-approach-flint-water/74289430/ (attached as Ex. 29).

[28] *Flint Town Hall Meeting Presentation and Distribution of lead results across Flint by ward and zip codes*, Flint Water Study, Sept. 16, 2015, http://flintwaterstudy.org/2015/09/distribution-of-lead-results-across-flint-by-ward-and-zip-codes/ (attached as Ex. 30); Ron Fonger, *Virginia Tech professor says Flint's tests for lead in water can't be trusted*, Michigan Live, Sept. 15, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/virginia_tech_researcher_says.html (attached as Ex. 31).

[29] Marc Edwards et al., *Lead testing results for water sampled by residents,* Flint Water Study, Sept. 28, 2015, http://flintwaterstudy.org/information-for-flint-residents/results-for-citizen-testing-for-lead-300-kits/ (attached as Ex. 32).

the Virginia Tech sampling results, MDEQ officials continued to insist that Flint's water was safe to drink.[30]

In September 2015, a medical study conducted by a local pediatrician confirmed the kinds of adverse health impacts that residents had voiced concern about for months: the rate of Flint children with elevated blood lead levels had nearly doubled since the City changed its drinking-water source.[31] State officials and the Governor reacted by "downplay[ing] and in some cases attempt[ing] to discredit" the pediatrician's findings, and dismissing citizen concerns as "near-hysteri[cal]."[32]

Subsequent testing by MDEQ revealed that at least four schools in Flint had lead levels in their drinking water above the federal action level.[33] At Freeman Elementary School, water tested had lead levels over 100 ppb, more than six times the federal action level.[34] This increase in lead exposure is particularly dangerous in Flint, a community where residents are already at higher risk of elevated blood lead levels and lead poisoning. Michigan ranks fifth worst in the country for harmful exposures to lead.[35] Low income is a risk factor for lead poisoning, and more than a third of families in Flint live below the poverty level, three times the national average.[36] Children in Flint also face high risk of lead

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[30] Ron Fonger, *Feds sending in experts to help Flint keep lead out of water*, Michigan Live, Sept. 10, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/university_researchers_dont_dr.html (attached as Ex. 33).

[31] *Pediatric Lead Exposure in Flint, MI: Concerns from the Medical Community* (PowerPoint Presentation) (presented on Sept. 24, 2015), *available at* http://flintwaterstudy.org/2015/09/pediatric-lead-exposure-presentation-from-hurley-medical-center-doctors-concerning-flint-mi/ (attached as Ex. 34).

[32] *Study suggests Flint's water causing increased lead poisoning*, Michigan Radio, Sept. 28, 2015, http://michiganradio.org/post/study-suggests-flints-water-causing-increased-lead-poisoning#stream/0 (attached as Ex. 35); Ron Fonger, *State says data shows no link to Flint River, elevated lead in blood,* Michigan Live, Sept. 24, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/state_says_its_data_shows_no_c.html (attached as Ex. 36); *Did this Michigan Town Poison its Children?*, U.S. News & World Report, Sept. 24, 2015, http://www.usnews.com/news/articles/2015/09/25/flint-michigan-children-show-high-levels-of-lead-in-blood (attached as Ex. 37).

[33] Steve Carmody, *Four Flint schools have high lead levels in their water*, Michigan Radio, Oct. 8, 2015, http://michiganradio.org/post/four-flint-schools-have-high-lead-levels-their-water (attached as Ex. 38).

[34] *Id.*

[35] Ctrs. for Disease Control & Prevention, *Public Health in Action: Lead Poisoning Prevention in Michigan* (last updated Feb. 4, 2013), http://www.cdc.gov/nceh/information/healthy_homes_lead.htm (attached as Ex. 39).

[36] 2009-2013 American Community Survey 5-Year Estimates, 2013, *available at* http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml (enter "Flint, MI" in the box under "Community Facts," click on "Income" on left-side bar, then click "Selected Economic Characteristics" under "2013 American Community Survey") (table attached as Ex. 40 compares data from Flint, Michigan, to Michigan and the United States).

exposure from lead-paint dust, as nearly ninety percent of Flint's housing stock was built before 1978 (when the federal ban on high-lead paint went into effect).[37]

Finally, in late September 2015, the City abandoned its assertions that Flint's drinking water was safe. Nearly seven months after the City first saw dangerously high levels of lead in some residents' water, Flint issued a drinking-water advisory and called for state financial assistance to switch the water system back to Detroit's supply.[38] Two weeks later, Governor Snyder requested six million dollars from the state legislature to reconnect the Flint water system to Detroit.[39] With additional funding from the City and a private foundation, the switch was completed in mid-October.[40]

Following the switch back to Detroit water, some government officials began to ask questions about what went wrong in the course of Flint's change in water sources.[41] Governor Snyder created a task force to review water management and testing in Flint,[42] and EPA established its own task force "to provide the Agency's technical expertise through regular conversations" with the City and MDEQ.[43] Governor Snyder has also announced

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[37] *2012 Annual Data Report on Blood Lead Levels of Children in Michigan* 26 (Apr. 30, 2013), https://www.michigan.gov/documents/mdch/2012AnnualDataReportOnBloodLeadLevels_419508_7.pdf (attached as Ex. 41); Am. Cancer Soc'y, *Lead, Lead in the Environment,* http://www.cancer.org/cancer/cancercauses/othercarcinogens/athome/lead (last updated May 27, 2014) (explaining that lead paint is a "major" source of exposure) (attached as Ex. 42); Maj. Thomas F. Zimmerman, *The Regulation of Lead-Based Paint in Air Force Housing,* 44 A.F. L. Rev. 169, 174-75 (1998).

[38] *City of Flint Issues Lead Advisory*, City of Flint, Sept. 25, 2015, https://www.cityofflint.com/2015/09/25/city-of-flint-issues-lead-advisory/ (attached as Ex. 43); Steve Carmody, *Flint officials exploring return to Detroit water*, Michigan Radio, Sept. 28, 2015, http://michiganradio.org/post/flint-officials-exploring-return-detroit-water#stream/0 (attached as Ex. 44).

[39] John Wisely, *Snyder announces $12 million plan to fix Flint water*, Detroit Free Press, Oct. 8, 2015, http://www.freep.com/story/news/local/michigan/2015/10/08/snyder-flint-water-reconnect/73567778/ (attached as Ex. 45).

[40] Amanda Emery, *Flint reconnects to Detroit water, may take 3 weeks to clear all pipes*, Michigan Live, Oct. 16, 2015, http://www.mlive.com/news/flint/index.ssf/2015/10/flint_reconnecting_to_detroit.html (attached as Ex. 46).

[41] *E.g.*, Letter from Sen. Jim Ananich, Mich. Senate Minority Leader, to Susan Hedman, U.S. EPA, and Gina McCarthy, U.S. EPA (Oct. 21, 2015) (attached as Ex. 47); Letter from Rep. Daniel Kildee, U.S. Congressman, to Gina McCarthy, U.S. EPA (Oct. 21, 2015) (attached as Ex. 48).

[42] Press Release, Gov. Rick Snyder, *Gov. Rick Snyder announces Flint Water Task Force to review state, federal and municipal actions, offer recommendations* (Oct. 21, 2015), http://www.michigan.gov/snyder/0,4668,7-277-57577_57657-367761--,00.html (attached as Ex. 49).

[43] Press Release, U.S. EPA, *EPA Establishes Safe Drinking Water Task Force to Provide Technical Expertise to MDEQ and City of Flint* (Oct. 16, 2015), http://yosemite.epa.gov/opa/admpress.nsf/0/A92DE629DB86E66685257EE000579593 (attached as Ex. 50).

plans to launch an "education campaign soon to help schools statewide learn how to get their water tested" for lead.[44]

Despite this proliferation of task forces and campaigns, neither the City nor MDEQ has announced changes in the City's lead monitoring practices in the wake of Flint's public-health crisis. Rather, Flint and MDEQ have maintained that these practices are accurate and adequate, despite the near certainty that they are underrepresenting lead contamination in many of Flint's high-risk homes.

II. City and State officials are in violation of the Safe Drinking Water Act's Lead and Copper Rule

The Safe Drinking Water Act (the Act) authorizes citizens to sue any governmental entity "who is alleged to be in violation of any requirement" under the statute.[45] These requirements include the national primary drinking-water regulations for lead and copper set forth in the Lead and Copper Rule.[46] The Lead and Copper Rule obligates water systems to monitor and control for lead in drinking water.[47]

Since April 2014, Flint's water system has failed to comply with the Lead and Copper Rule's requirements for monitoring water for lead, notifying the public of tap-water monitoring results, reporting monitoring results to MDEQ, and controlling corrosion from lead pipes.[48] These violations systematically result in the City's underestimating lead levels in its drinking water, masking a public-health crisis. The violations are ongoing and likely to recur in the future: Flint's water system presently is obligated to monitor for lead every six months, and there is no indication that Flint has changed or disavowed its inadequate approach to monitoring.[49]

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[44] *See* Lori Higgins, *Michigan to launch lead education effort statewide*, Detroit Free Press, Oct. 13, 2015, http://www.freep.com/story/news/local/michigan/2015/10/13/lead-water-flint-michigan-testing/73871480/ (attached as Ex. 51).

[45] 42 U.S.C. § 300j-8(a)(1).

[46] *See id.* § 300g-1(b)(1)(A); 40 C.F.R. § 141.80(a)(1).

[47] *See, e.g.*, 40 C.F.R. § 141.86.

[48] Flint's water system is subject to the requirements of the Lead and Copper Rule because it is a "community water system" not otherwise exempted from the regulations. 40 C.F.R. §§ 141.80(a)(1), 141.2.

[49] *See Tamaska v. City of Bluff City*, 26 F. App'x 482, 485 (6th Cir. 2002) (citing *Chesapeake Bay Found. v. Gwaltney of Smithfield*, 844 F.2d 170, 171–72 (4th Cir.1988)). A water system is required to monitor tap water for lead every six months if it (1) exceeds the action level for any monitoring period, or (2) "fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the State … for more than 9 days in any six-month period." 40 C.F.R. § 141.86(d)(4)(vi)(B). Flint's water system failed to maintain applicable values of orthophosphate and/or pH designated as the optimal water quality parameters by MDEQ. In addition, had the water system conducted monitoring in compliance with the Lead and Copper Rule during the January to June 2015 period, it likely would have exceeded the lead action level.

Under the Act, a "supplier of water" is "any person who owns or operates a public water system."[50] The City of Flint owns Flint's water system.[51] Upon information and belief, the State officials administering Flint's receivership and the City presently operate Flint's water system. As discussed above, Flint's Emergency Manager exercised the authority of the local government in the place of Flint's mayor and city council. The Emergency Manager managed the water system and conducted its affairs, including making the decision to use the Flint River as a primary drinking-water source.[52] In April 2015, Governor Snyder removed the Emergency Manager and appointed a Receivership Transition Advisory Board to oversee the City's affairs until the receivership is terminated.[53] The Board has control over the City's budget, and must approve all decisions adopted by the City Council.[54] The Michigan Local Financial Stability and Choice Act requires the State Treasurer to sit on a receivership transition advisory board for any municipality for which the governor appoints such a board, and Governor Snyder has appointed the State Treasurer (or his designee) to chair Flint's Board.[55] The City Administrator reports to the Board, manages the City's daily administrative operations, and directs City department heads in carrying out the daily activities of the City.[56] To date, the City remains in receivership, and its actions remain subject to approval of the Board.[57]

Accordingly, the City of Flint; Governor Snyder; Dan Wyant, Director of MDEQ; Nick A. Khouri, Treasurer of Michigan; Frederick Headen, Chairperson of the Flint Receivership Transition Advisory Board; Brian Larkin, David McGhee, Robert McMahan,

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[50] 42 U.S.C. § 300f(5).

[51] *See* City of Flint, Water System Update, Sept. 2015, https://www.cityofflint.com/wp-content/uploads/City-Council-Water-Presentation-9-14-2015.pdf (attached as Ex. 52).

[52] *See United States v. Twp. of Brighton*, 153 F.3d 307, 314 (6th Cir. 1998) (defining "operator" for purposes of CERCLA as an entity that "performed some affirmative acts," such as "directing the workings, managing, or conducting the affairs" of a facility) (internal quotation marks and alterations omitted); *cf. United States v. Alisal Water Corp.*, 114 F. Supp. 2d 927, 938 (N.D. Cal. 2000) (applying case law discussing CERCLA "operator" liability to the Safe Drinking Water Act context).

[53] Mich. Comp. Laws § 141.1563(1); Press Release, Gov. Rick Snyder, *Gov. Rick Snyder: City of Flint ready to move forward as financial emergency resolved*, Apr. 29, 2015, http://www.michigan.gov/snyder/0,4668,7-277-57577_57657-353433--,00.html (attached as Ex. 53); Emergency Manager Order 20 ¶¶ 4.a.6, 4.a.7 (adopted Apr. 25, 2015), https://www.cityofflint.com/wp-content/uploads/Order-No.-20.pdf (attached as Ex. 54).

[54] Emergency Manager Order 20 ¶¶ 4.a.6, 4.a.7, *supra* note 53 (Ex. 54).

[55] *See* Mich. Comp. Laws § 141.1563(2); Letter from Gov. Rick Snyder to Hon. Ruth Johnson, Mich. Sec'y of State (Apr. 29, 2015), http://michigan.gov/documents/treasury/Flint_RTAB_Appointments_488251_7.pdf (attached as Ex. 55).

[56] Emergency Manager Order 3 ¶¶ 4-6, 25 (adopted Apr. 10, 2015), https://www.cityofflint.com/wp-content/uploads/Order-No.-3.pdf (attached as Ex. 56). The City Administrator was appointed by the Emergency Manager and can be removed only with the Board's consent.

[57] *Id.*

and Beverly Walker-Griffea, Members of the Board; and Natasha Henderson, Flint City Administrator, are responsible for the violations of the Act by Flint's water system which have endangered and will continue to endanger the health of Flint's residents.

A. Flint's water system is in violation of the Lead and Copper Rule's tap-water monitoring, reporting, and notification requirements

The Lead and Copper Rule requires water systems to identify a pool of sampling sites prior to the commencement of a monitoring period.[58] This requirement is designed to target residences at high risk of lead contamination in drinking water, such as homes served by lead service lines.[59] In violation of the Rule, Flint's water system does not select sampling sites for lead monitoring based on a pre-established sampling pool. For Flint's most recent completed monitoring period, January–June 2015, the Director of the City's Department of Public Works admitted that Flint "thr[ew] bottles out everywhere just to collect as many [samples] as we can, to try and hit our number."[60] Similarly, email correspondence shows that the City has, during several monitoring periods, asked its own employees to submit tap-water samples, without regard to whether the employees were part of a pre-selected sampling pool.[61]

Under the Lead and Copper Rule, water systems that contain lead service lines also must draw fifty percent of their tap-water samples from sites served by a lead service line.[62] Flint's water system does not comply with this requirement. The water system reported to MDEQ that all the sample sites it used during the January–June 2015 monitoring period were residences served by lead service lines.[63] Flint's Utilities Administrator, however, admitted that he was not able to verify that all homes sampled were served by lead service lines.[64] This is because City records concerning the locations of lead service lines in the distribution system are stored on 45,000 paper notecards. Flint began converting these notecards into an electronic spreadsheet this fall, well after the January–June 2015 monitoring period.[65]

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[58] *See* 40 C.F.R. § 141.86(a).

[59] *Id.*

[60] *See* ACLU of Michigan, *Thirst for Truth: Who's to Blame for Flint Water Crisis?*, https://www.youtube.com/watch?t=9&v=LTO9irD2f0Y (posted Sept. 23, 2015).

[61] Email from Michael Glasgow, Flint Utilities Adm'r, to Flint municipal staff (June 1, 2015) (attached as Ex. 57).

[62] 40 C.F.R. § 141.86(a)(8).

[63] *See, e.g.*, City of Flint, Lead and Copper Report and Consumer Notice of Lead Result Certificate for Community Water Supply (July 28, 2015) [hereinafter July 28 Report] (attached as Ex. 58).

[64] *See* ACLU of Michigan, *Thirst for Truth: Who's to Blame for Flint Water Crisis?*, *supra* note 60.

[65] *See* Ron Fonger, *Flint data on lead water lines stored on 45,000 index cards*, Michigan Live, Oct. 1, 2015, http://www.mlive.com/news/flint/index.ssf/2015/10/flint_official_says_data_on_lo.html (attached as Ex. 59).

Flint's water system has also failed to sample the same sites across monitoring periods or document the reasons for declining to sample the same sites, as the Lead and Copper Rule requires.[66] Sampling new sites from one monitoring period to the next is permitted only if a site "is no longer accessible" to the water system or "no longer fits the requirements of a priority site."[67] Records show that in the January–June 2015 monitoring period, Flint's water system retested only thirteen of the one hundred sites it sampled in the previous monitoring period.[68] It did not provide the required explanation for these departures from the previous monitoring period's sampling sites.[69] Upon information and belief, Flint's water system concentrated its monitoring in areas where it anticipated low lead levels, due to recent infrastructure improvements, and selectively retested sites that had previously yielded low lead levels. Such selective sampling violates the Lead and Copper Rule's intention that water systems "do not use only those sampling locations with the lowest lead or copper levels."[70]

Flint's instructions to residents for the collection of tap-water samples also violate the Lead and Copper Rule. The Rule allows residents to collect the tap-water samples used to monitor lead in drinking water, so long as the water system instructs residents of the sampling procedures required by the regulations.[71] Tap-water samples must be "first-draw samples," meaning that the sample must be collected after water in the tap has stood motionless in the plumbing system for at least six hours.[72] Flint's instructions direct residents to flush their taps for five minutes prior to letting the water sit for the six required hours. This "pre-flushing" has been shown to "result in the minimization of lead capture and significant underestimation of lead levels in drinking water."[73] The water system's pre-flush instruction "negates the intent of the [Lead and Copper Rule] to collect compliance

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[66] 40 C.F.R. § 141.86(b)(4).

[67] U.S. EPA, *Lead and Copper Rule Monitoring and Reporting Guidance for Public Water Systems* 25 (Mar. 2010), http://water.epa.gov/lawsregs/rulesregs/sdwa/lcr/upload/Revised-Lead-and-Copper-Rule-Monitoring-and-Reporting-Guidance-for-Public-Water-Systems.pdf (attached as Ex. 60).

[68] *See* July 28 Report, *supra* note 63 (reporting that the same sample sites were not used) (Ex. 58); *see also* Curt Guyette, *Lead Astray: An ACLU of Michigan investigation has found a stream of irregularities in Flint's water tests*, Michigan Democracy Watch Blog, Sept. 14, 2015, http://aclumich.org/democracywatch/index.php/entry/lead-astray-an-aclu-of-michigan-investigation-has-found-a-stream-of-irregularities-in-flint-s-water-tests (attached as Ex. 61).

[69] 40 C.F.R. § 141.90(a)(1)(v).

[70] U.S. EPA, *Lead and Copper Rule Monitoring and Reporting Guidance for Public Water Systems*, *supra* note 67, at 25 (Ex. 60).

[71] 40 C.F.R. § 141.86(b)(2).

[72] *Id.* §§ 141.2, 141.86(b)(2).

[73] Mem. from Miguel Del Toral, U.S. EPA, to Thomas Poy, U.S. EPA, at 2 (June 24, 2015) (attached as Ex. 62).

samples under 'worst-case' conditions,"[74] and goes "against the intent of the monitoring protocol, since it changes the normal water use of the homeowners in the sample."[75]

Flint's water system is violating the Lead and Copper Rule's reporting requirements by representing to MDEQ that Flint's monitoring practices are in compliance with the Rule. The City's water system did not provide documentation to MDEQ justifying its selection of new sample sites in the January–June 2015 monitoring period, and, upon information and belief, is not accurately reporting information concerning whether sampled sites meet required regulatory criteria.[76]

The Lead and Copper Rule also requires Flint's water system to notify each resident whose tap water was sampled of the lead results.[77] Upon information and belief, Flint has failed and continues to fail to properly notify all residents whose tap water was tested for lead of the individual monitoring results.

B. Flint's water system has failed to maintain optimal corrosion-control treatment

The Lead and Copper Rule required all large public water systems, including Flint's water system, to install an "optimal corrosion control treatment" program by January 1, 1997.[78] After a system has optimized its corrosion-control treatment, the regulations require the system to "continue to operate and maintain optimal corrosion control treatment."[79] Since April 2014, Flint's water system has not maintained an optimal corrosion-control treatment program. Historically, the water system complied with the corrosion-control requirements by purchasing treated water from Detroit. When Flint switched its water source to the Flint River in April 2014, it did nothing to treat the Flint River water to control corrosion. This failure to maintain optimized corrosion control violates the Lead and Copper Rule.

Although Flint's water system has resumed its purchase of treated water from Detroit, it has not disavowed its erroneous interpretation of the Lead and Copper Rule's corrosion-control requirements. Nor has it committed to maintaining optimized corrosion control when it switches water sources again this summer to the KWA pipeline. Flint's water system's failure to maintain an optimized corrosion-control treatment program is likely to recur in the future.

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[74] *Id.*

[75] Letter from Cynthia Dougherty, U.S. EPA, to Ralph Scott, Alliance for Healthy Homes (Sept. 12, 2008) (attached as Ex. 63).

[76] *See* 40 C.F.R. § 191.90(a)(1)(i), (a)(1)(v); *supra* pp. 11-12.

[77] 40 C.F.R. § 141.85(d)(1).

[78] *Id.* § 141.81(d)(4).

[79] *Id.* § 141.82(g).

III. The State of Michigan's failure to maintain a schools testing and remediation program violates the Safe Drinking Water Act

The Act requires each state to establish a program "to assist" schools and day care centers in "testing for, and remedying, lead contamination in drinking water."[80] Test results must be made available at schools, with notification to parents and teachers.[81] Michigan, upon information and belief, does not maintain a program for school lead testing, remediation, and notification.[82] Accordingly, Governor Snyder and MDEQ Director Wyant are presently in violation of the Act's schools provision.[83]

IV. Intent to Sue

The City of Flint and Michigan state officials have been and continue to be in violation of the Lead and Copper Rule's requirements for monitoring and sampling tap water for lead, notifying the public of and reporting to the State tap-water monitoring results, and corrosion control. Governor Snyder and MDEQ Director Dan Wyant are in violation of the Act's requirement to maintain a program to assist Michigan schools with testing and remediating lead in school drinking water. These violations are likely to continue and to recur in the future absent a judicial decree ordering City and State officials to comply with the Act. If the City of Flint and the Michigan state officials identified above fail to cure their noncompliance with the Act within sixty days, Concerned Pastors for Social Action, Melissa Mays, ACLU of Michigan, and NRDC will file suit in federal district court seeking declaratory relief, injunctive relief, and litigation costs, as appropriate.

The name, address, and telephone number of each person giving notice pursuant to this letter are:

Concerned Pastors for Social Action
2200 Forrest Hill
Flint, MI 48504
(810) 394-6787
Attention: Pastor Allen Overton

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[80] 42 U.S.C. § 300j-24(d)(1).

[81] *Id.* § 300j-24(d)(2).

[82] Although MDEQ recently announced "an education campaign" to help Michigan schools learn how to test their water for lead, MDEQ has yet to release the details of this effort, including whether it will offer the kind of assistance with testing, remediation, and notification contemplated by the Safe Drinking Water Act. *See* Higgins, *Michigan to launch lead education effort statewide*, *supra* note 44 (Ex. 51).

[83] MDEQ has primary enforcement authority in Michigan for the Safe Drinking Water Act. *See* MDEQ, Drinking Water, http://www.michigan.gov/deq/0,4561,7-135-3313_3675---,00.html (last visited Nov. 13, 2015) (attached as Ex. 64).

Melissa Mays
3714 Beecher Road
Flint, MI 48503

American Civil Liberties Union of Michigan
2966 Woodward Avenue
Detroit, MI 48103
(313) 578-6814
Attention: Michael Steinberg

Natural Resources Defense Council
1152 15th Street, NW, Suite 300
Washington, DC 20005
(202) 289-2385
Attention: Dimple Chaudhary

Do not hesitate to contact us if you would like to discuss this matter.

Respectfully,

Dimple Chaudhary
Natural Resources Defense Council
1152 15th Street, NW, Suite 300
Washington, DC 20005
(202) 289-2385

Sarah Tallman
Anjali Waikar
Evan Feinauer
Natural Resources Defense Council
20 North Wacker Drive, Suite 1600
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(312) 651-7918

Counsel for Concerned Pastors for Social Action, Melissa Mays, and Natural Resources Defense Council

Michael Steinberg
Brooke Tucker
American Civil Liberties Union of Michigan
2966 Woodward Avenue
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(313) 578-6814

Counsel for American Civil Liberties Union of Michigan

Enclosure

cc:

Administrator Gina McCarthy
U.S. EPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Mail Code: 1101A
Washington, DC 20460
McCarthy.gina@Epa.gov

Regional Administrator Susan Hedman
U.S. EPA Region 5
77 West Jackson Boulevard
Mail Code: R-19J
Chicago, IL 60604
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Attorney General Bill Schuette
State of Michigan
G. Mennen Williams Building, 7th Floor
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909
miag@michigan.gov

From: Muchmore, Dennis (GOV)
Sent: Thursday, December 03, 2015 4:45 PM
To: Posthumus, Dick (GOV); Agen, Jarrod (GOV); Rich Baird; Hollins, Harvey (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV)
Subject: RE: Flint

Absolutely. I think that is Jarrod's recommendation to the Gov also but he'll have to confirm that. It's worth noting that Wayne Workman met with Natasha Henderson (the city manager we put in and a less than stellar choice) and told her that she needs to find an accommodation with the Mayor or she's out. By the way, Wayne Workman announced his retirement yesterday effective Feb. 1, so the guy who is the most knowledgeable and most talented Treasury bureaucrat we have (alongside of whizbang Tom Saxton) is quitting. That is a heck of a hole to fill, so we need to encourage Tom to stay (he's wavering).

From: Posthumus, Dick (GOV)
Sent: Thursday, December 3, 2015 4:17 PM
To: Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Rich Baird [redacted] Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>
Subject: Flint

I know just enough about the Flint situation to be dangerous so if the following doesn't make sense let me know. I have talked to both Senator Ananich and Representative Neely. They like the Governor and appreciate his efforts in Flint. However, they believe because of the combination of the water issue, the "take over" issue, and the approach that Darnell and/or the city manager is taking that it has created a great deal of animosity in Flint. I asked Rep. Neely if the Governor could only do one thing what would you have him do to improve the situation. He said to give the new mayor the ability to appoint some of her own executive staff (legal counsel, etc) that aren't involved with the finances (much like we did in Detroit). Is this something we should consider?
Dick

From: Agen, Jarrod (GOV)
Sent: Thursday, December 03, 2015 4:59 PM
To: Muchmore, Dennis (GOV)
Cc: Posthumus, Dick (GOV); Agen, Jarrod (GOV); Rich Baird; Hollins, Harvey (GOV); Clement, Elizabeth (GOV)
Subject: Re: Flint

Dick,

Yes, totally agree. Harvey & Wayne have already made some good headway on this topic. They've been working to free up the flexibility for the new Mayor to appoint some of her own senior staff.

The new Mayor was also in here today to meet with MSP and DEQ -- so Harvey might be able to share more on the progress.

On Dec 3, 2015, at 4:44 PM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

> Absolutely. I think that is Jarrod's recommendation to the Gov also but he'll have to confirm that. It's worth noting that Wayne Workman met with Natasha Henderson (the city manager we put in and a less than stellar choice) and told her that she needs to find an accommodation with the Mayor or she's out. By the way, Wayne Workman announced his retirement yesterday effective Feb. 1, so the guy who is the most knowledgeable and most talented Treasury bureaucrat we have (alongside of whizbang Tom Saxton) is quitting. That is a heck of a hole to fill, so we need to encourage Tom to stay (he's wavering).
>
> **From:** Posthumus, Dick (GOV)
> **Sent:** Thursday, December 3, 2015 4:17 PM
> **To:** Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Rich Baird <[redacted]; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>
> **Subject:** Flint
>
> I know just enough about the Flint situation to be dangerous so if the following doesn't make sense let me know. I have talked to both Senator Ananich and Representative Neely. They like the Governor and appreciate his efforts in Flint. However, they believe because of the combination of the water issue, the "take over" issue, and the approach that Darnell and/or the city manager is taking that it has created a great deal of animosity in Flint. I asked Rep. Neely if the Governor could only do one thing what would you have him do to improve the situation. He said to give the new mayor the ability to appoint some of her own executive staff (legal counsel, etc) that aren't involved with the finances (much like we did in Detroit). Is this something we should consider?
> Dick

From: Wyant, Dan (DEQ)
Sent: Tuesday, December 29, 2015 2:43 PM
To: Posthumus, Dick (GOV)
Subject: Re: Flint water statement

You are the best!

Sent from my iPhone

On Dec 29, 2015, at 2:41 PM, Posthumus, Dick (GOV) <Posthumusd@michigan.gov> wrote:

> FYI. You will be missed by the State of Michigan and this administration. I wish you well. I know you will be a success in whatever you choose to do.
> Dick
>
> ---
>
> **From:** Posthumus, Dick (GOV)
> **Sent:** Tuesday, December 29, 2015 2:38 PM
> **To:** senameekhof@senate.michigan.gov; [redacted]
> **Cc:** rdevries@senate.michigan.gov; Brock Swartzle (BSwartzle@house.mi.gov) <BSwartzle@house.mi.gov>
> **Subject:** FW: Flint water statement
>
> Senate Majority Leader and Mr. Speaker;
> Below is a statement being released today relative to the Flint water. Please take note that the Governor reluctantly accepted Dan Wyant's resignation as the Director of DEQ. He is a great public servant who totally turned the culture of the DEQ around during his tenure. He will be missed.
> Dick
>
> ---
>
> **From:** Holland, Meegan (GOV)
> **Sent:** Tuesday, December 29, 2015 1:21 PM
> **To:** Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Walsh, John (GOV) <WalshJ@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Clement, Elizabeth (GOV) <clementE@michigan.gov>; Scott, Allison (GOV) <scottA12@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Calley, Brian (GOV) <[redacted]; Redford, James (GOV) <RedfordJ@michigan.gov>
> **Subject:** Flint water statement
>
> Here is a statement from the Governor that will go out around 2-2:30 p.m. to the media. We'll also give a heads up to executive staffers and some others. - Meegan

---

When I became aware that the city of Flint's water showed elevated lead levels and that the state's handling of the situation was being questioned, I requested funding to switch the source back to the Great Lakes Water Authority and appointed an independent task force to identify possible missteps and areas for improvement.

The task force has done an exceptional job, reviewing stacks of documents and interviewing scores of Flint, Genesee County, state and federal officials.

Although the task force's final report is not yet completed, it has made me aware of some interim findings and corrective steps that I have decided to take immediately in order to restore trust in how the state keeps its citizens safe and informed.

We'll continue to work with the community members to make sure we hear and respond to their concerns.

In addition, MDEQ Director Dan Wyant has offered his resignation, and I've determined that it's appropriate to accept it. I'm also making other personnel changes at MDEQ to address problems cited by the task force.

But changes in leadership and staff are not enough. I understand there can be disagreements within the scientific community. That is why I have directed both the departments of Environmental Quality and Health and Human Services to invite every external scientist who has worked on this issue to be our partners in helping us improve Flint water. Let's share research on water and blood lead level testing so we can arrive at accurate and mutually supported conclusions. Together, we should work to affirm that we're using the very best testing protocols to ensure Flint residents have safe drinking water and that we're taking steps to protect their health over the short and long term.

I want the Flint community to know how very sorry I am that this has happened. And I want all Michigan citizens to know that we will learn from this experience, because Flint is not the only city that has an aging infrastructure.

I know many Flint citizens are angry and want more than an apology. That's why I'm taking the actions today to ensure a culture of openness and trust. We've already allocated $10 million to test the water, distribute water filters, and help in other ways. Last week, I called Flint Mayor Karen Weaver, and we're going to meet soon to discuss other ways the state can offer assistance.

These are only initial steps - we fully expect to take more actions following the recommendations of our task force. When it comes to matters of health and quality of life, we're committed to doing everything we can to protect the well-being of our citizens.

Meegan Holland
Director of Communications for Gov. Rick Snyder
Office: 517-335-6397
[redacted]
Twitter: @meholland

From: Baird, Richard (GOV)
Sent: Tuesday, December 29, 2015 5:31 PM
To: Agen, Jarrod (GOV); Posthumus, Dick (GOV); Ackerman, Darin (GOV)
Cc: Clement, Elizabeth (GOV)
Subject: RE: Attached Letter from Flint Water Advisory Task Force

It may already be out there. Sikkema said they were considering putting it out in light of G's statement today.

From: Agen, Jarrod (GOV)
Sent: Tuesday, December 29, 2015 5:23 PM
To: Posthumus, Dick (GOV); Ackerman, Darin (GOV)
Cc: Baird, Richard (GOV); Clement, Elizabeth (GOV)
Subject: FW: Attached Letter from Flint Water Advisory Task Force

Dick & Darin,

Here's the letter from our Flint Water Task Force.

It was received today and they plan to make it public tomorrow.

If you feel it will help to share with SML, feel free to do so.

Adding Rich & Beth in case they feel otherwise.

Thanks

From: Holland, Meegan (GOV)
Sent: Sunday, January 03, 2016 2:32 PM
To: Hollins, Harvey (GOV); Calley, Brian (GOV); Scott, Allison (GOV); Clement, Elizabeth (GOV); Baird, Richard (GOV); Murray, David (GOV); Agen, Jarrod (GOV); Redford, James (GOV); Posthumus, Dick (GOV)
Subject: URGENT - DRAFT: FWIACC proposal
Attachments: FWIACC document v2.docx; IA Coord Com Org Chart 233264.pptx; FWIACC cover letter.docx

Colleagues,

Here is a cover letter, FWIACC plan and org chart. Harvey is planning on sending this to Mayor Karen Weaver today.

If you have any feedback, please provide it immediately, since I'll be out of pocket starting at 3:15 p.m. (sorry for the late notice).

- Meegan

Meegan Holland
Director of Communications for Gov. Rick Snyder
Office: 517-335-6397
Mobile: [redacted]
Twitter: @meholland

DRAFT: A Proposal to Create the Flint Water Inter-Agency Coordinating Committee (FWIACC)

Statement of Need

To better coordinate resources and personnel and react with urgency, Harvey Hollins and MSP Capt. Chris Kelenske have been tasked with creating FWIACC, subject to the approval and endorsement by Flint Mayor Karen Weaver.

We are also recommending, by executive order, that Gov. Rick Snyder authorizes this committee to help restore safe water in Flint and coordinate efforts addressing health/behavioral consequences from lead ingestion.

This inter-agency group will fully engage with all stakeholders committed to solving Flint water issues. Equal partners. Equal leadership. Equal responsibility. Equal chance to be part of the solution to an important and not fully understood problem.

FWIACC will be facilitated by Hollins and Kelenske, who represent statewide resources and constituencies, with support from senior members of the Governor's office.

An overview of FWIACC's goals:

- Create a routine information process between all parties.
- Pursue other avenues of funding, including federal grants and legislative appropriations.
- Implement without delay any appropriate mechanisms that are called for in the Emergency Management Act or the Stafford Disaster Relief and Emergency Assistance Act. These may include local emergency operations plans and guides.

Action Plan

Immediately, FWIACC will:

1. Establish an interagency workgroup described in the attached organizational chart. It will be comprised of DHHS, MDEQ, MSP, Treasury, Genesee County, City of Flint, MDE, LARA and external subject matter experts (SMEs). Other entities may be added as needed. Personnel must be goal-oriented, transparent with findings, and able to accomplish FWIACC Incident Action Plan items created by the state in a timely manner. The FWIACC plan would be created with city, county, state and federal needs in mind.

2. Assemble staff with competencies in disaster/emergency planning, operations and finance as outlined under the National Incident Management System (NIMS). Staff will be accountable to the FWIACC leadership to track resource requests and document progress on the FWIACC incident action plan.

3. Utilize the National Incident Management System and Unified/Incident Command as appropriate.

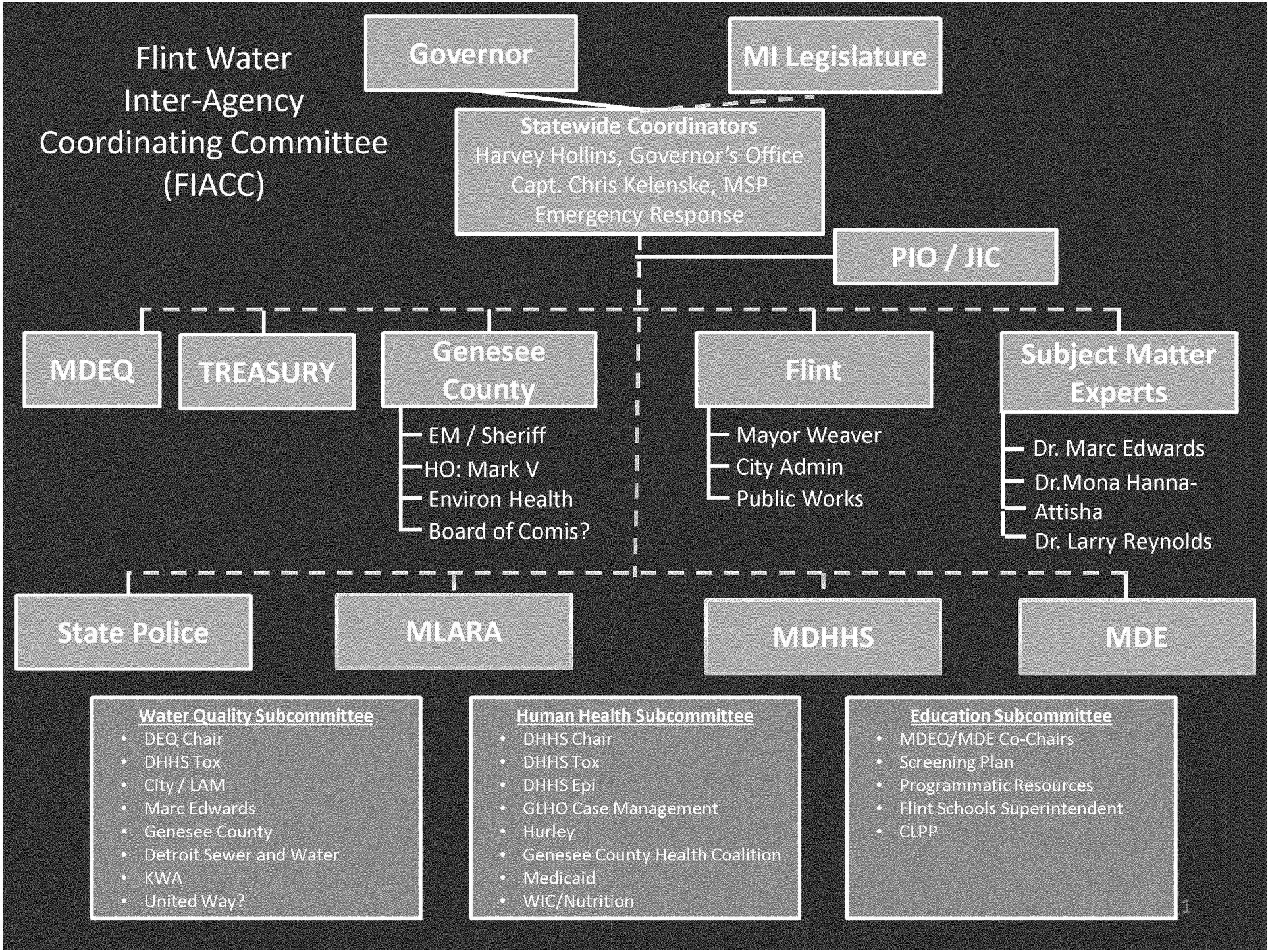
4. Establish routine communications protocols at the operational, executive and legislative levels as determined appropriate.

5. Establish interagency workgroup objectives using the following as a starting point.

Interagency Workgroup Objectives

1. Determine and convey acceptable standards for potable water.
    - Identify needed remediation.
    - Convey the remediation plan objectives to all stakeholders and interested parties.
    - Create logistics for distributing water and filters, particularly to homebound citizens.
    - Implement the plan.
2. Determine health impacts for the impacted population.
    - Identify treatment methods, nutrition education and protocols for monitoring, neurodevelopmental screening, access to DBP specialists and psychologists/psychiatrists, expanded county services, etc.
    - Convey the treatment plan objectives to interested parties.
    - Implement the plan.
3. Establish a public information protocol to effectively inform the community.
    - Identify existing public information outlets within the city, county and state, including schools, churches and other formal and informal distribution networks.
    - Establish a Joint Information Center.
    - Provide for emergency alerts and updates.
    - Determine the process for approving official information before it's disseminated.
    - Convey to interested parties.
4. Assess the status of the infrastructure and determine feasible actions to upgrade the water system.
    - Determine current state of the infrastructure.
    - Develop priorities, costs and potential funding sources for infrastructure upgrades as part of a long term recovery plan.
    - Seek partners to assist (NGOs, Foundations, Business, etc.).
    - Implement the plan.

Flint Water Inter-Agency Coordinating Committee (FIACC)



January 3, 2016

To: Mayor Karen Weaver

From: Harvey Hollins

Governor Snyder and several members of his team do not believe we can wait for the necessary documentation for FEMA to act on any emergency declaration – and that an action plan should be fired up now by our State and Local entities and bring together agencies and stakeholders that need to communicate and coordinate more effectively regarding next steps and resources.

Our working draft title is the Flint Water Inter-Agency Coordinating Committee (FWIACC), and it would immediately address ways at every level to restore safe water and monitor/mitigate the effects of the lead.

In addition to Governor Snyder, the key officials working on this blueprint were MSP Capt. Chris Kelenske, DHHS Chief Deputy Tim Becker, DHHS Director Nick Lyon, Rich Baird and myself. The need for engaged central coordination has also been recommended by the Governor's Flint Water After-Action Task Force, of which Dr. Larry Reynolds is a member. Governor Snyder has endorsed this approach and has asked me to provide you with a draft copy in advance of your meeting with him on January 7. If you agree, we will organize this committee immediately, and the Governor will issue an executive order to authorize FWIACC to work on the issue for the long term .

As you know, there is a significant amount of work to be done before the Federal government will approve an emergency declaration under the Emergency Management Act. FWIACC could begin its work immediately and would be in place to complement, not replace any action group ultimately formed by an emergency declaration. And we believe it would demonstrate how to best leverage essential support addressing manmade emergencies like this, since existing laws are more oriented toward natural disasters.

We brainstormed who should be included in this initial emergency response, with the idea that you and other stakeholders may have recommendations on others who need to be added.

You will note the organization chart and the proposal description is not a normal hierarchical entity. This is a collaborative, stakeholder-driven partnership. Chris and I would facilitate it, but it is a partnership of city, county and state viewpoints, and would include outside experts like Marc Edwards and Dr. Mona Hanna-Attisha.

All parties will be required to be transparent about their ideas and findings, agreeing to accountability measures and reporting on them on a regular basis.

Please let me know your thoughts on this approach and also other agenda items you wish to see on January 7. If you agree, we would also invite the interim DEQ director, Keith Creagh, and the newly appointed spokesperson to meet you then.

From: Agen, Jarrod (GOV)
Sent: Sunday, January 03, 2016 6:23 PM
To: Baird, Richard (GOV); Hollins, Harvey (GOV); Posthumus, Dick (GOV); Holland, Meegan (GOV); Murray, David (GOV)
Cc: Redford, James (GOV); Clement, Elizabeth (GOV); Calley, Brian (GOV)
Subject: Neely

Not productive, let alone not true.

1) Meegan & Dave: In an RPA way, make sure the record is correct here. At least all our recent actions should be included here.

2) Is it worth bringing Neely in to explain all we are doing? Or is he going to keep this up no matter what?

http://www.mlive.com/news/flint/index.ssf/2016/01/state_rep_sheldon_neeley_calls.html

At some point in time one of the emergency managers, unbeknownst to the city council, made a decision that they would start the process and we're going to use the Flint River water as the primary source of water," he said.

From: Hollins, Harvey (GOV)
Sent: Sunday, January 03, 2016 7:10 PM
To: Agen, Jarrod (GOV)
Cc: Baird, Richard (GOV); Posthumus, Dick (GOV); Holland, Meegan (GOV); Murray, David (GOV); Redford, James (GOV); Clement, Elizabeth (GOV); Calley, Brian (GOV)
Subject: Re: Neely

Please keep in mind that while the switch to the Flint River was made by the EM, that decision would have never been an option if the city voted down the option to leave DWSD to construct a new pipeline and join KWA. The proposal to leave DWSD was passed by a 7-1 vote of the Flint city council where then councilman Neely voted yes, then was appointed to the KWA.

Politically, I believe he keeps this up. I rather just stay the course, we will not be able to reel Neely in. However, before the EO is signed, I think it would be important for the Governor to brief several legislators, Neely and Ananich being two.

In the meantime, we should focus on positioning the Mayor a the local leader on this issue.

Best,
Harvey

On Jan 3, 2016, at 6:22 PM, Agen, Jarrod (GOV) <AgenJ@michigan.gov> wrote:

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>
> *At some point in time one of the emergency managers, unbeknownst to the city council, made a decision that they would start the process and we're going to use the Flint River water as the primary source of water," he said.*

From: Murray, David (GOV)
Sent: Sunday, January 03, 2016 7:10 PM
To: Agen, Jarrod (GOV); Baird, Richard (GOV); Hollins, Harvey (GOV); Posthumus, Dick (GOV); Holland, Meegan (GOV)
Cc: Redford, James (GOV); Clement, Elizabeth (GOV); Calley, Brian (GOV)
Subject: RE: Neely

I've reached out to the reporter and the editor, expressing frustration that we were not offered the opportunity to comment. Nor did the reporter provide the appropriate background for balance, such as the $10 million in state money allocated so far, the action plan that has increased testing an provided filters, the work of the task force or even the recent OAG statement.

They are allowing me to provide a statement, which I'll send shortly.

Rep. Neeley was a member of the Flint City Council for nine years, and I believe he was serving during the period in question, but I don't have the dates.

Dave Murray
Press Secretary | Executive Office of Governor Rick Snyder
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517-335-6397, office
[redacted]mobile
Twitter:@michigandmurray

From: Agen, Jarrod (GOV)
Sent: Sunday, January 03, 2016 6:23 PM
To: Baird, Richard (GOV) <bairdr@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Holland, Meegan (GOV) <HollandM2@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>
Cc: Redford, James (GOV) <RedfordJ@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Calley, Brian (GOV) [redacted]
Subject: Neely

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At some point in time one of the emergency managers, unbeknownst to the city council, made a decision that they would start the process and we're going to use the Flint River water as the primary source of water," he said.

From: Holland, Meegan (GOV)
Sent: Sunday, January 03, 2016 8:15 PM
To: Posthumus, Dick (GOV); Agen, Jarrod (GOV)
Cc: Baird, Richard (GOV); Hollins, Harvey (GOV); Murray, David (GOV); Redford, James (GOV); Clement, Elizabeth (GOV); Calley, Brian (GOV)
Subject: RE: Neely

I second Dick's thinking.

It may also be worth it for Dave or me to sit down with Flint Journal editor Bryn Mickle to urge him to have reporters call us anytime for our side of the story.

- Meegan

From: Posthumus, Dick (GOV)
Sent: Sunday, January 03, 2016 8:11 PM
To: Agen, Jarrod (GOV) <AgenJ@michigan.gov>
Cc: Baird, Richard (GOV) <bairdr@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Holland, Meegan (GOV) <HollandM2@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Calley, Brian (GOV) <[redacted]
Subject: Re: Neely

I would say it may be worth it to bring him in. But he may still continue his attacks. Remember this isn't just a policy issue but a political one and the Democrats will use this for as long as they can. Al we can do is use RPA to do the right thing and hope a majority of people will see through their partisan rhetoric
Dick

Sent from my iPhone

On Jan 3, 2016, at 6:22 PM, Agen, Jarrod (GOV) <AgenJ@michigan.gov> wrote:

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> *At some point in time one of the emergency managers, unbeknownst to the city council, made a decision that they would start the process and we're going to use the Flint River water as the primary source of water," he said.*

From: Agen, Jarrod (GOV)
Sent: Monday, October 19, 2015 10:32:18 AM
To: Posthumus, Dick (GOV); Clement, Elizabeth (GOV)
Subject: DEQ Internal Changes

Dick,

Here's the talking points & messaging from DEQ on the internal changes announced today.

DEQ Director Dan Wyant today made the following statement as he announced DEQ Chief Deputy Jim Sygo will immediately assume the role of interim chief of the department's Office of Drinking Water and Municipal Assistance:

"It recently has become clear that our drinking water program staff made a mistake while working with the City of Flint. Simply stated, staff employed a federal protocol they believed was appropriate, and it was not. The water testing steps followed would have been correct for a city less than 50,000 people, but not for a city of nearly 100,000.

As details of the situation emerge, I am convinced our program staff believed they were doing their job right. As the state recognized there could be a health threat to Flint residents, we took appropriate steps. We are now embarked on an unprecedented effort to safeguard Flint residents and families with near-term, intermediate and long-term actions to protect and educate city residents.

The issue in DEQ is experience and protocol with respect to corrosion control. The Governor has called for an independent, third-party after-action review. I have taken the step of changing leadership in the division. We are working with our federal partners and committed to being part of the U.S. EPA's effort to strengthen its Lead and Copper rule.

All who brought this issue to the department deserve credit for bringing it forward. Lead is a serious issue, particularly for young people, and we take it seriously. The Governor's plan incorporates the suggestions outlined by the EPA and researchers at Virginia Tech.

We will learn from this. We will make necessary changes to see to it that our program becomes a national leader in public health protection."

KEY MESSAGES:

1. It is increasingly clear through internal review at DEQ that staff overseeing drinking water mistakenly applied the wrong federal protocol when the city of Flint switched to the Flint River.

2. Today's announcement of new leadership in that division aligns with the states goal: make sure the public health is protected in Flint and elsewhere in the state, and ensure we learn from this so it never happens again.

3. The governor's action plan continues to protect kids and families in Flint, with the switch back to Detroit water last week, free water filtration for all city residents, and inspection of all Flint schools for lead exposure.

4. Flint families who are concerned are encouraged to take advantage of free home water testing through the city and blood lead level testing for children.

From: Agen, Jarrod (GOV)
Sent: Tuesday, December 29, 2015 5:23 PM
To: Posthumus, Dick (GOV); Ackerman, Darin (GOV)
Cc: Baird, Richard (GOV); Clement, Elizabeth (GOV)
Subject: FW: Attached Letter from Flint Water Advisory Task Force
Attachments: FWATF-Snyder Letter %28122915%29.pdf

Dick & Darin,

Here's the letter from our Flint Water Task Force.

It was received today and they plan to make it public tomorrow.

If you feel it will help to share with SML, feel free to do so.

Adding Rich & Beth in case they feel otherwise.

Thanks

December 29, 2015

Dear Governor Snyder:

The Flint Water Advisory Task Force, which you appointed on October 21, 2015, has devoted considerable effort and countless hours to our review of the contamination of the Flint water supply: what happened, why it occurred, and what is needed to prevent a recurrence in Flint or elsewhere in the state. We have also been assessing ongoing mitigation efforts to help assure that short- and long-term public health issues and water management concerns will be properly addressed to safeguard the health and well being of the Flint community.

Shortly after we began our work, we recognized the immediate need for better coordination of the state's response to the ongoing public health issues in Flint, and for assignment of a single person to provide this coordination. We addressed these concerns in a letter to you on December 7, 2015, and you responded with immediate adoption of these recommendations. We thank you for the commitment your response demonstrates.

In our continuing efforts, we have now interviewed numerous individuals at state and local levels; reviewed many documents, articles, and emails; and deliberated repeatedly as a group. Both individually and as a group, we have visited Flint several times during the past several weeks to meet with citizens, public health officials and healthcare providers, individuals who have water management responsibilities at the city and county levels, and other public officials.

It is clear to us, particularly as we listen to the people of Flint, that it is both critical and urgent to establish responsibility for what happened in their community and to ensure accountability. This is a first step in a long process to re-establish the trust they no longer have in their government and the agencies whose responsibility it is to protect their health. It is urgent because this deep distrust of government continues to compromise the effective delivery of protective services designed to address ongoing public health issues. It is for these reasons that we are sending this letter at this time.

We believe the primary responsibility for what happened in Flint rests with the Michigan Department of Environmental Quality (MDEQ). Although many individuals and entities at state and local levels contributed to creating and prolonging the problem, MDEQ is the government agency that has responsibility to ensure safe drinking water in Michigan. It failed in that responsibility and must be held accountable for that failure.

The Safe Drinking Water Act (SDWA) places responsibility for compliance with its requirements on the public water system. In this instance, the City of Flint had the responsibility to operate its water system within SDWA requirements, under the jurisdiction of the MDEQ. The role of the MDEQ is to **ensure** compliance with the SDWA through its regulatory oversight as the primary agency having enforcement responsibility for the Flint water system.

The MDEQ failed in three fundamental ways.

Regulatory Failure

We believe that in the Office of Drinking Water and Municipal Assistance (ODWMA) at MDEQ, a culture exists in which "technical compliance" is considered sufficient to ensure safe drinking water in Michigan.

This minimalist approach to regulatory and oversight responsibility is unacceptable and simply insufficient to the task of public protection. It led to MDEQ's failure to recognize a number of indications that switching the water source in Flint would—and did—compromise both water safety and water quality. The MDEQ made a number of decisions that were, and continue to be, justified on the basis that federal rules "allowed" those decisions to be made. ODWMA must adopt a posture that is driven not by this minimalist technical compliance approach, but rather by one that is founded on *what needs to be done to assure drinking water safety.*

A culture change must occur within ODWMA. It must be driven by a mission that is aspirational regarding the role of the MDEQ in ensuring the safety and the quality of Michigan's drinking water. We believe, and have expressed to MDEQ Director Dan Wyant, that as a Great Lakes State, Michigan should aspire to have the safest drinking water in the nation, rather than merely aiming for technical compliance with regulatory requirements.

Failure in Substance and Tone of MDEQ Response to the Public

Throughout 2015, as the public raised concerns and as independent studies and testing were conducted and brought to the attention of MDEQ, the agency's response was often one of aggressive dismissal, belittlement, and attempts to discredit these efforts and the individuals involved. We find both the tone and substance of many MDEQ public statements to be completely unacceptable. In a real way, the MDEQ represents the public, including the very individuals it treated dismissively and disrespectfully in public statements. We recognize that the agency might disagree with the opinions of others on a variety of issues, including testing protocol, interpretation of testing results, the requirements of federal law and rules, and other matters. What is disturbing about MDEQ's responses, however, is their persistent tone of scorn and derision. In fact, the MDEQ seems to have been more determined to discredit the work of others—who ultimately proved to be right—than to pursue its own oversight responsibility.

Failure in MDEQ Interpretation of the Lead and Copper Rule

The federal Lead and Copper Rule (LCR) is central to what happened in Flint, because that rule, at least theoretically, is designed to prevent lead and copper contamination of drinking water. The federal LCR calls for "optimized corrosion control treatment," which the MDEQ did not require in the switch to the Flint River. Prior to the switch, MDEQ staff instructed City of Flint water treatment staff that corrosion control treatment (CCT) was not necessary until two six-month monitoring periods had been conducted. The need for CCT would be evaluated after the results from those two monitoring periods were reviewed. The decision not to require CCT, made at the direction of the MDEQ, led directly to the contamination of the Flint water system.

The MDEQ seems to have taken different positions on whether it faithfully followed the LCR in the Flint situation. It first maintained that it followed the LCR, then stated that it did not follow the rule properly, and most recently claimed that a federal memorandum issued by the US EPA in early November 2015 suggests that the original MDEQ interpretation was possibly correct.

We are not convinced. Even the MDEQ's latest interpretation of the US EPA's November memorandum is overly legalistic and misunderstands the intent of the LCR, which is to minimize risks of lead and copper exposure for human health.

We believe ODWMA's single-minded legalistic focus is the heart of the problem, and it is part of the "technical compliance" culture described above. ODWMA should not be basing its actions solely on a

legally possible interpretation of the LCR. It should be focusing on how to protect Michigan's citizens from lead in drinking water.

We met with MDEQ Director Wyant on December 16, 2015, to discuss these issues, as well as many others. We note his substantial agreement with many of our conclusions, particularly as it relates to the regulatory failure and the abysmal public response of his agency. It is our understanding that he has drawn similar conclusions in his own evaluation of the MDEQ's role in the Flint water crisis. At the same time, it was disappointing to hear his weak defense of the CCT decision based on the EPA's November 2015 memorandum.

We are not finished with our work. Other individuals and entities made poor decisions, contributing to and prolonging the contamination of the drinking water supply in Flint. As an example, we are particularly concerned by recent revelations of MDHHS's apparent early knowledge of, yet silence about, elevated blood lead levels detected among Flint's children. We also feel it important to further review local government decision processes under emergency management. Our final report will highlight and discuss those concerns, among many others, to provide some context to a comprehensive series of recommendations. **As stated earlier in this letter, however, we believe that establishing responsibility is a critical and urgent need, and one that should not wait for our final report in 2016. Individuals and agencies responsible must be held accountable in a timely fashion.**

It is our hope that the heightened awareness of the dangers of lead poisoning can be an opportunity to make Michigan safer, particularly for its children. Drinking water must be recognized as a potential source of health risk exposure when water lines and fixtures containing lead are disturbed or compromised. Proper testing, not only in high-risk areas but also in facilities serving children (e.g., schools), must be considered. Facilitating long-term financing of a model public health program, and also replacement of lead-containing water service lines and fixtures, would enable Michigan to realize a positive lasting legacy from the tragedy of the Flint water crisis. Our final report will address some of these issues.

The City of Flint's water customers—fellow Michigan citizens—were needlessly and tragically exposed to toxic levels of lead through their drinking water supply. They deserve a commitment to properly assess responsibility and ensure accountability. They also deserve a commitment to needed mitigation in both the short and long term. The Flint water crisis never should have happened. Having failed to prevent it, state government should coordinate a sustained, public-health-focused response to remedy, to the fullest extent possible, the impacts on the Flint community.

Respectfully yours,

Flint Water Advisory Task Force:

Matt Davis
Chris Kolb
Larry Reynolds
Eric Rothstein
Ken Sikkema

From: Gelisse, Ashley (TREASURY)
Sent: Monday, February 02, 2015 3:08 PM
To: Posthumus, Dick (GOV); Wurfel, Sara (GOV); Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Allard, Claire (GOV); Hollins, Harvey (GOV); Clayton, Stacie (GOV)
Cc: Workman, Wayne (TREASURY); Stanton, Terry A. (Treasury)
Subject: Independent Water Analysis - Flint
Attachments: Independent Water Analysis.PDF

FYI only – a helpful article about the water situation in Flint, offers a good independent assessment. Thanks.

Ashley Gelisse
Senior Policy Advisor to State Treasurer Kevin Clinton
Richard H. Austin Building
430 West Allegan Street
Lansing, MI 48922
Direct: 517-241-2474
Cell: [redacted]
gelissea@michigan.gov

Waste Water Flow Device
Hand Held Industrial Measurement With Clamp-On Sensors & Switches

ABC12 Investigates: What's in your water?

Posted: Jan 29, 2015 3:38 PM EST
Updated: Jan 29, 2015 11:54 PM EST

By Larry Elliott CONNECT

FLINT (WJRT) - (01/29/15) - The results are in and we now have a completely independent look at what's in Flint's water supply.

For months, since Flint switched from a Detroit water supply to the Flint River as it's water source, Flint water customers have complained of smelly, cloudy, bad tasting water and blame it for a variety of health problems.

Complaints exploded earlier this month when Flint notified its water customers that a group of chemicals known as TTHM were at much higher average levels than allowed by law.

With so many questions and distrust of the answers, ABC12's Larry Elliott investigates - What's in your Water?

It seems no matter who you ask in the Flint area, there's an opinion about the city's water. Most of the issues center on the quality of the water and whether it's safe to drink.

"Right now it smells," said Flint resident Lee Miller. "We're getting water out of our own back yard now and it's costing me double what it was coming from Detroit."

"It has a funny taste to it," said Flint resident Milton Alexander.

"It could be dangerous to us, actually I don't know how dangerous it is," said Flint resident Shanika Sanders.

"I'm no cheerleader for the water department here, I think we've got a lot of issues to work on," Ken VanWagoner, of Good Beans Cafe - Flint.

Most of the issues center on the quality of the water and whether it's safe to drink, but concern over its safety reached a new high earlier this month when the city was required by the state Department of Environmental Quality to notify residents that the water had exceeded the allowable limit of a group of chemicals known as TTHM.

TTHM is in most municipal water systems and is thought by some to be a possible carcinogen in long term exposure.

It's a byproduct of chlorination, which is commonly used to help purify water. Last August, as Flint's water treatment plant worked to purify the water it was drawing from the Flint River, levels of TTHM grew to well over the EPA allowed maximum.

August test results provided by the DEQ to ABC12 show all of the eight testing sites around Flint had TTHM levels well above the legal limit.

The lowest level among the eight sites was 40 percent above the legal limit. The highest was 145 percent

more than allowed.

DEQ rules only require the city to report higher than allowed levels to the public once a year, and only if the average of quarterly tests is higher than the legal limit.

That notification went out to residents on Jan. 5. Since then, many residents have refused to believe assurances from the DEQ and the city that the water is now safe to drink.

So, we set out to do complete and independent testing to find out for ourselves exactly what's in your water.

It took a bit of research, but we finally found Water Tech, in Howell, a testing lab with absolutely no ties to Flint, just to make sure there are no questions about the test results.

After having Water Tech train ABC12's Larry Elliott on the proper methods for collecting water samples, we set out last week to randomly test five sites in Flint.

1. Downtown.

"I'm excited to see this done because this is an independent way to find out that everything's just fine," VanWagoner said.

2. The north side.

"We'd like to do kind of a whole battery of tests of your water. Oh yeah," Alexander said.

3. The west side.

"It could be dangerous to us. How about if we help you find out what's in it right now?" Sanders said.

4. The east side.

"I'm hoping for a good test and put my family at ease," Miller said.

5. Our main studio, on the south side.

We also wanted to compare whatever we're to find with Detroit supplied water, so we took a sample from the Burton water system.

Since next year Flint will connect to the new KWA pipeline, getting its water from Lake Huron, we took a comparison sample from the Saginaw-Midland water system, which currently uses Lake Huron water.

We tested all the sites for levels of TTHM. We also tested how much residual chlorine was in the Flint and Burton water supply and more importantly, we tested at two of our Flint sites for a number of other hazardous chemicals that could cause skin or other health problems.

Tests for those other chemicals are not required for public water systems, but we decided to run those tests anyway.

Here's what our independent testing shows:

All sites tested, including the Saginaw-Midland water system and the Burton system, using Detroit water, contained TTHM - but all of them were well below the EPA allowed maximum.

Saginaw-Midland water had less than a third of the maximum TTHM allowed, the Burton system had only about 25 percent of the maximum and the highest level found of all of our Flint tests showed just over 65 percent of what's allowed, all below EPA limits.

A similar byproduct of chlorination, haloacetic acids, was also well below EPA maximums in Flint's water.

We tested Flint's north and east water samples for many other hazardous chemicals that a doctor told us could cause skin or other health problems, and on both tests, not a single one of those chemicals was detected.

Since most often any smell to the water would be caused by levels of total residual chlorine, we tested that too, in both our Flint and Burton samples.

The legal limit is 4 milligrams per liter. The average of our Flint samples shows a level of about a half milligram per liter. Our test in Burton actually shows 22 percent more residual chlorine than Flint.

Our Flint sample also showed no Coliform bacteria.

We asked Chris McCarthy, of Water Tech, a few questions.

Q: How would you describe these test results?

A: "Well, for the samples received, the tests we performed, everything is within EPA guidelines for safe drinking water."

Q: Is there anything in these results that raises a red flag for you?

A: "For water quality or water safety, No."

We then asked residents if these results change their opinion of what they'll do with their water now.

"To be honest, no," Alexander said.

"It will make me feel a lot more comfortable about bathing and brushing my teeth in it, but I'm still not going to drink it and I'm not gonna give it to my kids or my dog," Sanders said.

"It makes me feel a lot more safer, a lot more comfortable knowing that it's safe to drink now, you know. I'll tell you a load lifted off my shoulders. When the kids take baths, when my wife takes a shower, you know, I know now we're safe," Miller said.

So what about those who've stood before Flint City Council with jugs of discolored water?

While Genesee County Drain Commissioner Jeff Wright points out he has no jurisdiction over Flint's water system, he says in general, discolored water like this is nearly always the result of water main breaks or repairs, and Flint has more than its share because of its aging system.

Wright also says the KWA pipeline won't change that. It will take better management of repairs and money - lots of it - to replace Flint's aging water mains.

Unfortunately for the city of Flint, those very high levels of TTHM recorded last August in Flint water tests are still required by the DEQ to be included in the next report calculating average TTHM levels.

The next test will be done next week, and city Public Works Director Howard Croft tells ABC12, because of the high levels last August, the city will again be found in violation and will be required by the DEQ to send out another TTHM notice of violation to all Flint water customers in early March, even if all new tests show levels under the legal limit.

To view the TTHM testing results from the Michigan DEQ, click HERE.

To view the results of ABC12's water tests, click on the location you'd like to see results for below:

Flint Center

Flint North

Flint East

Flint South

Flint West

Burton

Saginaw-Midland

To view the Michigan DEQ results for South Flint, click HERE.

From: Duncan, Nancy (DTMB)
Sent: Thursday, October 08, 2015 8:41 AM
To: Roberts, John (DTMB); Snyder, Rick (GOV)
Cc: Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Wyant, Dan (DEQ); Scott, Allison (GOV)
Subject: RE: Flint Funding Request
Attachments: City of Flint Water Funding Solution.pdf

The DHHS number (for follow-up on children with elevated blood levels) increased slightly from $600k to $850k, bringing the total state commitment to $10.6m gross/$8.2m GF. Revised chart attached.

From: Roberts, John (DTMB)
Sent: Wednesday, October 07, 2015 7:20 PM
To: Snyder, Rick (GOV)
Cc: Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Posthumus, Dick (GOV); Wyant, Dan (DEQ); Duncan, Nancy (DTMB); Scott, Allison (GOV)
Subject: Flint Funding Request

Governor –

Attached is a summary of the funding recommendations, from the departments, to address the Flint Water situation. The total state commitment would be $10.4m; $7.9m of that amount is GF/GP. [The DHHS number needs to be verified tomorrow morning, but the final number should be close to this estimate.]

The funding will address 4 priority areas:

1. Provision of filters for residential service;

2. 50% of the estimated cost to reconnect temporarily to the Detroit Water System;

3. Funding for testing water samples; and

4. Other state assistance (e.g., home/school/health facility inspections and follow-up for children with elevated blood levels).

We are preparing a formal supplemental request to transmit to the Legislature tomorrow. I intend to talk with Rep. Pscholka and Sen. Hildenbrand about including this funding in HB 4102, the pending supplemental bill now awaiting House concurrence. Assuming that they agree, we would ask for final action next week.

Are you ok proceeding with these numbers?

John

City of Flint Water - Funding Solution
State of Michigan Commitment

Agency	GF/GP	Gross	Comments
Filters:			
Health & Human Services	$1,016,000	$1,016,000	AY15 work project
Health & Human Services	$0	$1,000,000	DEQ State Restricted Settlement Funds provided to HHS Emergency Services local office (FY16 appropriation).
Subtotal Filters:	**$1,016,000**	**$2,016,000**	
Reconnect to DSW:			**Reconnection costs ~$1.3m/month x 9 mos. to be shared by state & Flint**
Environmental Quality	$5,000,000	$6,000,000	DEQ State Restricted Settlement Fund of $1m; balance GF/GP
Subtotal Reconnect:	**$5,000,000**	**$6,000,000**	
Testing Costs:			
Environmental Quality	$1,000,000	$1,000,000	Additional tests at state lab; cost per sample: $26
Subtotal Testing:	**$1,000,000**	**$1,000,000**	
Additional Agency Support:			
LARA	$0	$200,000	Support for plumbing inspectors to do schools (public and parochial) and health facilities (hospitals, Long Term Care, etc.).
MSHDA	$0	$249,900	Sufficient spending authority already exists
Health & Human Services	$850,000	$850,000	Follow-up on children with elevated blood levels
Environmental Quality	$300,000	$300,000	Home and school inspections.
Subtotal Additional Support:	**$1,150,000**	**$1,599,900**	
ALL TOTAL	**$8,166,000**	**$10,615,900**	

From: Posthumus, Dick (GOV)
Sent: Thursday, January 22, 2015 12:29 PM
To: Scott, Allison (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV)
Subject: RE: jim ananich

We have two meetings coming up on this next week Wed. The first is an internal meeting with Dennis, Beth, Tom Saxton, John Walsh, Harvey Hollins and myself. Later that day we are meeting with several people from Flint including the EM, Mayor, and Senator Ananich.
Dick

From: Scott, Allison (GOV)
Sent: Thursday, January 22, 2015 12:00 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV)
Cc: Posthumus, Dick (GOV)
Subject: jim ananich

Brought up the flint water topic – any update for Gov on this subject? Dennis, gov thought you were checking into this.

Thanks
ALS

From: Posthumus, Dick (GOV)
Sent: Wednesday, October 07, 2015 11:21 PM
To: Murray, David (GOV)
Cc: Agen, Jarrod (GOV); Wurfel, Sara (GOV); Biehl, Laura (GOV); Heaton, Anna (GOV); Kennedy, Jordan (GOV); Brown, Jessica (GOV); Paciorek, Josh (GOV); Lasher, Geralyn (DHHS); Minicuci, Angela (DHHS); Eisner, Jennifer (DHHS); Tommasulo, Karen (DEQ); Clement, Elizabeth (GOV); Muchmore, Dennis (GOV); Baird, Richard (GOV); Calley, Brian (GOV); Forstner, Nathaniel (GOV)
Subject: Re: URGENT review please -- Draft Flint water release

Looks good to me
Dick

Sent from my iPhone

On Oct 7, 2015, at 6:11 PM, Murray, David (GOV) <MurrayD1@michigan.gov> wrote:

Team,

Please review this draft press release for the Thursday announcement in Flint. This incorporates some suggested edits to the strong draft from DEQ earlier today.

Thank you very much.

Gov. Rick Snyder: Move back to Detroit water provides best protection for public health in Flint

State, Mott Foundation and city form partnership to fund switch

FLINT, Mich. – Flint families and children will be better protected by reconnecting with the Great Lakes Water Authority as the source of the city's drinking water, Gov. Rick Snyder said.

Snyder said Thursday that he will request the state Legislature to provide a portion of the $12 million needed to reconnect with the authority, with the Flint city government providing $2 million and the Charles Stewart Mott Foundation donating $4 million.

The Michigan Department of Health and Human Services and the Department of Environmental Quality today also committed an additional $3.5 million for water filters, free lead testing through the state laboratory for Flint water customers, and hiring additional staff to conduct health exposure monitoring for lead in drinking water.

Flint city leaders requested the state's help to fund the reconnection after a Wednesday meeting of Flint's Technical Advisory Committee. Flint's move to the Great Lakes Water Authority is expected to cost about $1.3 million per month until the Karegnondi Water Authority is completed next summer.

"All Flint residents need clean, safe drinking water," Snyder said. "The technical experts helping the city on its water advisory all agree this move back to the Great Lakes Water Authority

provides the best public health protection for children and families. This effort today is the result of people coming together to solve a problem. I appreciate Detroit's willingness to reconnect with Flint, the Mott Foundation's generous donation, and the dedication of all parties to come together to protect Flint families and children."

The move to Detroit water, which is drawn from Lake Huron, carries many public health benefits. As large bodies of water, the Great Lakes are naturally prone to fewer problems from large rain events and other runoff issues that can be present in shallower rivers. Additionally, the Great Lakes Water Authority has already fully optimized its corrosion control, using phosphates to help coat the insides of pipes and prevent lead from leaching into the water.

However, reconnecting with the authority will not completely resolve the city's problem with lead service lines or aging infrastructure. It will take time for pipes in Flint to become coated with the phosphate corrosion control. Additionally, some households in the city could experience lead in their drinking water until all lead pipes and plumbing are replaced.

To best protect public health, Snyder said state and local authorities will continue to carry out steps outlined on Oct. 2 in a comprehensive action plan, including continued testing, the use of faucet filters and providing residents with accurate information about steps to eliminate lead in water.

Free filters are available for current MDHHS clients at the 125 E. Union St. or 4809 Clio Road MDHHS office locations.

For residents who are not currently enrolled in MDHHS assistance programs, free filters are available at the Genesee County Community Action Resource Department offices at 2727 Lippincott and 601 North Saginaw in Flint. Staff will be at all four locations from 9 a.m. to 4 p.m., Monday through Friday, to distribute filters and assist residents who have questions about proper installation.

At the Lippincott location only, extended hours will be offered this weekend, including until 7 p.m. on Thursday and Friday and from 10 a.m. to 2 p.m. on Saturday.

Other good practices for residents concerned about lead include turning on the cold water tap and running the water until it's as cold as it will go. Additionally, only use cold water for cooking, drinking and especially mixing baby formula.

School test results released; more investigation planned

The state today also released the first results from its lead screening program in schools and homes. Of 37 total samples taken at 13 buildings, four samples spread over three buildings exceeded the federal action level of 15 parts per billion.

However, this sampling provides only an initial screen, and the state is committing to further testing water and inspecting plumbing at these schools. Until testing is complete, schools are advised to continue using bottled water and filtration as a precaution to protect children.

In addition, free testing is still available for any other Flint school, including daycares and Head Starts. Free testing is also available for any Flint resident.

Additional information, including more detailed lead screening results, is available at www.michigan.gov/flintwater.

###

Dave Murray
Deputy Press Secretary | Executive Office of Governor Rick Snyder
MurrayD1@michigan.gov
517-335-6397, office
[redacted]obile
Twitter:@michigandmurray

<151008 Flint water release DM.docx>

From: Posthumus, Dick (GOV)
Sent: Thursday, December 03, 2015 4:17 PM
To: Agen, Jarrod (GOV); Rich Baird; Hollins, Harvey (GOV) (hollinsh@michigan.gov); Muchmore, Dennis (GOV) (muchmored@michigan.gov); Clement, Elizabeth (GOV) (clemente@michigan.gov)
Subject: Flint

I know just enough about the Flint situation to be dangerous so if the following doesn't make sense let me know. I have talked to both Senator Ananich and Representative Neely. They like the Governor and appreciate his efforts in Flint. However, they believe because of the combination of the water issue, the "take over" issue, and the approach that Darnell and/or the city manager is taking that it has created a great deal of animosity in Flint. I asked Rep. Neely if the Governor could only do one thing what would you have him do to improve the situation. He said to give the new mayor the ability to appoint some of her own executive staff (legal counsel, etc) that aren't involved with the finances (much like we did in Detroit). Is this something we should consider?
Dick

From: Posthumus, Dick (GOV)
Sent: Sunday, January 03, 2016 8:11 PM
To: Agen, Jarrod (GOV)
Cc: Baird, Richard (GOV); Hollins, Harvey (GOV); Holland, Meegan (GOV); Murray, David (GOV); Redford, James (GOV); Clement, Elizabeth (GOV); Calley, Brian (GOV)
Subject: Re: Neely

I would say it may be worth it to bring him in. But he may still continue his attacks. Remember this isn't just a policy issue but a political one and the Democrats will use this for as long as they can. Al we can do is use RPA to do the right thing and hope a majority of people will see through their partisan rhetoric
Dick

Sent from my iPhone

On Jan 3, 2016, at 6:22 PM, Agen, Jarrod (GOV) <AgenJ@michigan.gov> wrote:

> Not productive, let alone not true.
>
> 1) Meegan & Dave: In an RPA way, make sure the record is correct here. At least all our recent actions should be included here.
>
> 2) Is it worth bringing Neely in to explain all we are doing? Or is he going to keep this up no matter what?
>
> http://www.mlive.com/news/flint/index.ssf/2016/01/state_rep_sheldon_neeley_calls.html
>
> *At some point in time one of the emergency managers, unbeknownst to the city council, made a decision that they would start the process and we're going to use the Flint River water as the primary source of water," he said.*

From: Clement, Elizabeth (GOV)
Sent: Tuesday, August 19, 2014 3:06 PM
To: Smith, Paul (GOV)
Subject: Fwd: Conference Call Agenda
Attachments: Agenda 081914 and Attachment.pdf; ATT00001.htm

Paul,

You should probably start joining these calls. I only join for the very beginning where we discuss public safety and I do not usually say anything, just listen, answer questions or tell them i will get back to them on public safety issues that come up in Flint. We originally started this to keep tabs on the previous EM and Chief but the existing ones are fantastic and really do not need hand holding. It is helpful for you to hear what they are doing though. I always hang up when they move to the financial stuff. Sam can probably reach out to Maxine to add you.

Beth

Sent from my iPad

Begin forwarded message:

> **From:** Maxine Murray <mmurray@cityofflint.com>
> **Date:** August 19, 2014 at 2:36:14 PM EDT
> **To:** <bvrner1@michigan.gov>, <kappg@michigan.gov>, <muchmored@michigan.gov>, [redacted] <wests2@michigan.gov>, "Angela Dempkowski (Treasury)" <DempkowskiA@michigan.gov>, "Baird, Richard (GOV)" <bairdr@michigan.gov>, "Brian Larkin (GOV)" <larkinb@michigan.gov>, "Darnell Earley" <dearley@cityofflint.com>, "Deasy, Thomas (MSP)" <deasyt@michigan.gov>, "Edward Koryzno (Treasury)" <koryznoe@michigan.gov>, "Elizabeth Clement (GOV)" <clemente@michigan.gov>, Elizabeth Murphy <emurphy@cityofflint.com>, "Etue, Kriste (MSP)" [redacted] "Harvey Hollins (GOV)" <hollinsh@michigan.gov>, James Tolbert <jtolbert@cityofflint.com>, Jerry Ambrose [redacted] "Josephine Klotz (MSP)" <KlotzJ@michigan.gov>, "Lee, Nichole (MSP)" <leen3@michigan.gov>, "McGowan, Emmitt (MSP)" <McGowanE1@michigan.gov>, "Sands, Thomas (MSP)" <sandst@michigan.gov>, "Sipes, Stephen (MSP)" <sipess@michigan.gov>, "Stephen O'Neill (MSP)" <ONeillS@michigan.gov>, "Thomas Saxton (Treasury)" <SaxtonT@michigan.gov>, "Wayne Workman (TREASURY)" <WorkmanW@michigan.gov>
> **Subject: Conference Call Agenda**
>
> Good afternoon,
>
> Please find attached the agenda for the Wednesday, August 20th, 9:00 am conference call.
>
> Thank you.
>
> --
> Maxine Murray

Executive Assistant to
Mayor Dayne Walling
Darnell Earley, Emergency Manager
1101 S. Saginaw Street
Flint, MI 48502
810.237.2035 Telephone
810.766.7218 Fax

City of Flint Wednesday 9:00am Phone Conference Agenda
August 20, 2014

Redacted

Redacted

7) **Water Issues**
   a) The cost of providing water is becoming a state-wide issue for distressed communities. Let's begin a larger conversation on both the impacts and the potential limitations for cities and how the State could play a role. Meeting held last week with United Way and Resource Genesee to discuss options for residents who receive water shut off notices.
   b) Glenn Acres – water turn-on order from Judge Hayman
   c) Limited area boil-water notice
   d) General Motors Water Issues

Redacted

Redacted 3-6

From: Maxine Murray <mmurray@cityofflint.com>
Sent: Monday, September 15, 2014 11:37 AM
To: Byrne, Randall (Treasury); Kapp, Gene (MSP); Muchmore, Dennis (GOV); Roberts, John (DTMB); West, Samantha (GOV); Dempkowski, Angela (Treasury); Baird, Richard (GOV); Darnell Earley; Deasy, Thomas (MSP); Koryzno, Edward (Treasury); Clement, Elizabeth (GOV); Elizabeth Murphy; Etue, Kriste (MSP); Hollins, Harvey (GOV); James Tolbert; Jerry Ambrose; Klotz, Josephine (MSP); Lee, Nichole (MSP); McGowan, Emmitt (MSP); Smith, Paul (GOV); Sands, Thomas (MSP); Sipes, Stephen (MSP); O'Neill, Stephen (MSP); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY)
Subject: Agenda for Wednesday, September 17, 2014
Attachments: Agenda 091714 Conf Call with Treasury.pdf

Good morning,

Please find attached the agenda for the Wednesday, September 17th conference call.

Thank you.

--
Maxine Murray
Executive Assistant to
Mayor Dayne Walling
Darnell Earley, Emergency Manager
1101 S. Saginaw Street
Flint, MI 48502
810.237.2035 Telephone
810.766.7218 Fax

City of Flint Wednesday 9:00am Phone Conference Agenda
September 17, 2014

Redacted

7) **Water Issues**
   a) Two more areas had five day boil-water notices – resolved, broken 24" valve was a major contributor to the problem.
   b) Flint will continue to investigate why conditions develop which are favorable for more severe problems to occur. Pursuing these investigations may include seeking additional professional assistance to review both systems and processes.

Redacted

From: Maxine Murray <mmurray@cityofflint.com>
Sent: Monday, September 15, 2014 2:14 PM
To: West, Samantha (GOV)
Cc: Smith, Paul (GOV)
Subject: Re: Agenda for Wednesday, September 17, 2014

Good afternoon,

The calendar appointment came from Mr. Ed Koryzno. The call-in information is below:

Ed Koryzno to Host Call in – [redacted] Access Code – [redacted] Darnell, Jerry to be in Lansing for call

Have a productive day.
--
Maxine Murray
Executive Assistant to
Mayor Dayne Walling
Darnell Earley, Emergency Manager
1101 S. Saginaw Street
Flint, MI 48502
810.237.2035 Telephone
810.766.7218 Fax

On Mon, Sep 15, 2014 at 12:34 PM, West, Samantha (GOV) <WestS2@michigan.gov> wrote:

Good afternoon Maxine,

Do you happen to know who sends the calendar appointments out for these calls? We are trying to have Paul Smith participate in the conference call, but need the dial-in information, time, etc.

Thank you,

Sam

Samantha West

Executive Assistant

Executive Office – Legal Division

111 South Capitol Avenue

Lansing, Michigan 48909

Telephone: 517-241-5630

Facsimile: 517-335-6196

From: Maxine Murray [mailto:mmurray@cityofflint.com]
Sent: Monday, September 15, 2014 11:37 AM
To: Byrne, Randall (Treasury); Kapp, Gene (MSP); Muchmore, Dennis (GOV); Roberts, John (DTMB); West, Samantha (GOV); Dempkowski, Angela (Treasury); Baird, Richard (GOV); Darnell Earley; Deasy, Thomas (MSP); Koryzno, Edward (Treasury); Clement, Elizabeth (GOV); Elizabeth Murphy; Etue, Kriste (MSP); Hollins, Harvey (GOV); James Tolbert; Jerry Ambrose; Klotz, Josephine (MSP); Lee, Nichole (MSP); McGowan, Emmitt (MSP); Smith, Paul (GOV); Sands, Thomas (MSP); Sipes, Stephen (MSP); O'Neill, Stephen (MSP); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY)
Subject: Agenda for Wednesday, September 17, 2014

Good morning,

Please find attached the agenda for the Wednesday, September 17th conference call.

Thank you.

--

Maxine Murray

Executive Assistant to

Mayor Dayne Walling

Darnell Earley, Emergency Manager

1101 S. Saginaw Street

Flint, MI 48502

810.237.2035 Telephone

810.766.7218 Fax

Subject: FW: Weekly Flint Meetings
Location: Conference Call - Info Below

Start: Wed 9/17/2014 8:00 AM
End: Wed 9/17/2014 9:00 AM
Show Time As: Tentative

Recurrence: Weekly
Recurrence Pattern: every 2 weeks on Wednesday from 9:00 AM to 10:00 AM

Meeting Status: Not yet responded

Organizer: Koryzno, Edward (Treasury)

-----Original Appointment-----
From: Koryzno, Edward (Treasury)
Sent: Tuesday, January 21, 2014 11:49 AM
To: Koryzno, Edward (Treasury); Byrne, Randall (Treasury); Sands, Thomas (MSP); Clement, Elizabeth (GOV); Saxton, Thomas (Treasury); Etue, Kriste (MSP); Roberts, John (DTMB); Larkin, Brian (GOV); Klotz, Josephine (MSP); Kapp, Gene (MSP); Deasy, Thomas (MSP); Workman, Wayne (TREASURY); Sipes, Stephen (MSP); Pekrul, Daniel (MSP); O'Neill, Stephen (MSP); Lee, Nichole (MSP); Hollins, Harvey (GOV); Baird, Richard (GOV); Muchmore, Dennis (GOV); West, Samantha (GOV); Carpenter, Brian (UIA); 'gambrose@cityofflint.com'; Maxine Murray (mmurray@cityofflint.com); 'Elizabeth Murphy'; 'James Tolbert'; Darnell Early (dearly@cityofflint.com); Smith, Paul (GOV)
Cc: Pleyte, Beth (Treasury); Cousineau, Sara (Treasury); McGowan, Emmitt (MSP); Sims, Robbin (MSP); 'Darnell Earley'; Widigan, Robert (TREASURY)
Subject: Weekly Flint Meetings
When: Wednesday, September 17, 2014 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Call - Info Below

This meeting will now be bi-weekly with the next meeting scheduled for February 19, 2014.

Ed Koryzno to Host
Call in – [redacted]
Access Code – [redacted]
Darnell, Jerry to be in Lansing for call

From: Maxine Murray <mmurray@cityofflint.com>
Sent: Tuesday, September 30, 2014 8:42 AM
To: Byrne, Randall (Treasury); Kapp, Gene (MSP); Muchmore, Dennis (GOV); Roberts, John (DTMB); Dempkowski, Angela (Treasury); Baird, Richard (GOV); Darnell Earley; Deasy, Thomas (MSP); Koryzno, Edward (Treasury); Clement, Elizabeth (GOV); Elizabeth Murphy; Etue, Kriste (MSP); Hollins, Harvey (GOV); James Tolbert; Jerry Ambrose; Klotz, Josephine (MSP); Lee, Nichole (MSP); McGowan, Emmitt (MSP); Smith, Paul (GOV); Sands, Thomas (MSP); Sipes, Stephen (MSP); O'Neill, Stephen (MSP); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY); West, Samantha (GOV)
Subject: Conference Call Agenda
Attachments: Agenda 100114 Conf Call with Treasury.pdf

Good morning,

Attached is the agenda for the conference call on **Wednesday, October 1st, 9:00 am.**

Thank you.

--
Maxine Murray
Executive Assistant to
Mayor Dayne Walling
Darnell Earley, Emergency Manager
1101 S. Saginaw Street
Flint, MI 48502
810.237.2035 Telephone
810.766.7218 Fax

City of Flint Wednesday 9:00am Phone Conference Agenda
October 1, 2014

Redacted

7) **Water Issues**
   a) Flint will continue to investigate why conditions develop which are favorable for more severe problems to occur. Pursuing these investigations may include seeking additional professional assistance to review both systems and processes.

b) General Motors Water Issues – working through lawyers at this point. However, if this should become an issue for the GCDC with DWSD we would hope Treasury will be supportive of the GM-GCDC franchise customer agreement.

Redacted

Subject:	Canceled: Weekly Flint Meetings
Location:	Conference Call - Info Below
Start:	Wed 11/12/2014 9:00 AM
End:	Wed 11/12/2014 10:00 AM
Show Time As:	Free
Recurrence:	Weekly
Recurrence Pattern:	every 2 weeks on Wednesday from 9:00 AM to 10:00 AM
Meeting Status:	Not yet responded
Organizer:	Koryzno, Edward (Treasury)
Required Attendees:	'gambrose@cityofflint.com'; Byrne, Randall (Treasury); Sands, Thomas (MSP); Clement, Elizabeth (GOV); Saxton, Thomas (Treasury); Etue, Kriste (MSP); Maxine Murray (mmurray@cityofflint.com); Roberts, John (DTMB); Larkin, Brian (GOV); Klotz, Josephine (MSP); Kapp, Gene (MSP); Deasy, Thomas (MSP); Workman, Wayne (TREASURY); Sipes, Stephen (MSP); Pekrul, Daniel (MSP); O'Neill, Stephen (MSP); Lee, Nichole (MSP); 'Elizabeth Murphy'; Hollins, Harvey (GOV); Baird, Richard (GOV); Muchmore, Dennis (GOV); West, Samantha (GOV); 'James Tolbert'; Darnell Early (dearly@cityofflint.com); Carpenter, Brian (UIA); Smith, Paul (GOV)
Optional Attendees:	'Darnell Earley'; Pleyte, Beth (Treasury); Cousineau, Sara (Treasury); McGowan, Emmitt (MSP); Sims, Robbin (MSP); Widigan, Robert (TREASURY); Carter, Jerry (MSP)
Importance:	High

This meeting will now be bi-weekly with the next meeting scheduled for February 19, 2014.

Ed Koryzno to Host
Call in – [redacted]
Access Code – [redacted]
Darnell, Jerry to be in Lansing for call

From: Maxine Murray <mmurray@cityofflint.com>
Sent: Monday, November 10, 2014 3:14 PM
To: Carter, Jerry (MSP); Kapp, Gene (MSP); Muchmore, Dennis (GOV); Roberts, John (DTMB); Dempkowski, Angela (Treasury); Baird, Richard (GOV); Darnell Earley; Deasy, Thomas (MSP); Koryzno, Edward (Treasury); Clement, Elizabeth (GOV); Elizabeth Murphy; Etue, Kriste (MSP); Hollins, Harvey (GOV); Hill, Darryl (MSP); James Tolbert; Jerry Ambrose; Klotz, Josephine (MSP); Lee, Nichole (MSP); McGowan, Emmitt (MSP); Smith, Paul (GOV); Byrne, Randall (Treasury); Sands, Thomas (MSP); Sipes, Stephen (MSP); O'Neill, Stephen (MSP); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY); West, Samantha (GOV)
Subject: Treasury Conference Call Agenda
Attachments: Agenda 110714 Conf Call with Treasury.docx

Good afternoon,

In light of the meeting cancellation, please add to the attached agenda any items/updates from Michigan State Police, Governor's Office, or others and share with the group. These updates will be added to the on-going agenda.

--
Maxine Murray
Executive Assistant to
Mayor Dayne Walling
Darnell Earley, Emergency Manager
1101 S. Saginaw Street
Flint, MI 48502
810.237.2035 Telephone
810.766.7218 Fax

Attention Michigan State Police and Governor's Office: please add your agenda items and share with the group. These additions, once received, will become part of the on-going agenda.

City of Flint Wednesday 9:00am Phone Conference Agenda
November 12, 2014 CANCELLED

Redacted

Redacted

7) **Water Issues**
   a) General Motors Water Issues – working through lawyers at this point. We are close to a final agreement regarding their level as a customer with the City of Flint.
   b) A meeting with the Department of Environmental Quality was held on October 29. A number of steps for continued support were discussed. More follow-up is planned. We are awaiting action from the DEQ on getting a message of support out to the public.

Redacted

Redacted Pages 3-4

From: Maxine Murray <mmurray@cityofflint.com>
Sent: Tuesday, January 06, 2015 3:24 PM
To: Carter, Jerry (MSP); Kapp, Gene (MSP); Muchmore, Dennis (GOV); Roberts, John (DTMB); Dempkowski, Angela (Treasury); Baird, Richard (GOV); Darnell Earley; Deasy, Thomas (MSP); Koryzno, Edward (Treasury); Clement, Elizabeth (GOV); Elizabeth Murphy; Etue, Kriste (MSP); Hollins, Harvey (GOV); Hill, Darryl (MSP); James Tolbert; Jerry Ambrose; Klotz, Josephine (MSP); Lee, Nichole (MSP); McGowan, Emmitt (MSP); Smith, Paul (GOV); Byrne, Randall (Treasury); Sands, Thomas (MSP); Sipes, Stephen (MSP); O'Neill, Stephen (MSP); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY); West, Samantha (GOV)
Subject: Bi-Weekly Conference Call Agenda
Attachments: Conf Call Agenda 010715.pdf

Good afternoon,

Please find attached the agenda for the 9:00 am conference call scheduled for **Wednesday, January 7, 2015.**

Thank you.

--
Maxine Murray
Executive Assistant to
Mayor Dayne Walling
Darnell Earley, Emergency Manager
1101 S. Saginaw Street
Flint, MI 48502
810.237.2035 Telephone
810.766.7218 Fax

City of Flint Wednesday 9:00am Phone Conference Agenda

January 7, 2015

Redacted

Redacted

Redacted

5) Water Issues

a) MDEQ Violation Notice	Violation notice received 12/16/14 maximum contaminant level for TTHM exceeded. Public notice required. Notices sent out Jan 5, 2015. Most recent readings in compliance.	NEW

Redacted Pages 3-7

From: Maxine Murray <mmurray@cityofflint.com>
Sent: Tuesday, February 03, 2015 1:48 PM
To: Kapp, Gene (MSP); Muchmore, Dennis (GOV); Roberts, John (DTMB); Dempkowski, Angela (Treasury); Baird, Richard (GOV); Carter, Jerry (MSP); Deasy, Thomas (MSP); Koryzno, Edward (Treasury); Clement, Elizabeth (GOV); Elizabeth Murphy; Etue, Kriste (MSP); Hollins, Harvey (GOV); Hill, Darryl (MSP); James Tolbert; Jerry Ambrose; Klotz, Josephine (MSP); Lee, Nichole (MSP); McGowan, Emmitt (MSP); Smith, Paul (GOV); Byrne, Randall (Treasury); Sands, Thomas (MSP); Sipes, Stephen (MSP); O'Neill, Stephen (MSP); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY); West, Samantha (GOV)
Subject: Bi-Weekly Conference Call Agenda
Attachments: Agenda for Conference Call with Treasury 020415 (1).pdf

Good afternoon,

Please find attached the agenda for the conference call scheduled for **Wednesday, February 4th at 9:00 am.**

Thank you.

--
Maxine Murray
Executive Assistant to
Mayor Dayne Walling
Gerald Ambrose, Emergency Manager
1101 S. Saginaw Street
Flint, MI 48502
810.237.2035 Telephone
810.766.7218 Fax

City of Flint Wednesday 9:00am Phone Conference Agenda

February 4, 2015 [redacted]

Last Report Status

Redacted

Last Report	Status

Redacted

		Last Report	Status
5) Water Issues			
	a) MDEQ Violation Notice	Two separate, independent testing results by news media find Flint water within EPA/MDNR guidelines, as does most recent internal testing.	Update
	b) Distressed Cities Grants	Announcements of awards due Feb. 3 for Flint's two grant requests: Leak Detection and Sewage sludge Load Out Facility.	Update
	c) Drinking Water Revolving Fund	Discussing possible restructuring of loans.	New
	d) Consultant	RFP process resulted in a proposal from Veolia. Agreement being finalized for initial evaluation phase, to begin next week and to take a week or so to complete.	New

Redacted

	Last Report	Status
Redacted		

Subject:	Weekly Flint Meetings
Location:	Conference Call - Info Below
Start:	Thu 2/19/2015 8:30 AM
End:	Thu 2/19/2015 9:30 AM
Show Time As:	Tentative
Recurrence:	Weekly
Recurrence Pattern:	every 2 weeks on Wednesday from 9:00 AM to 10:00 AM
Meeting Status:	Not yet responded
Organizer:	Koryzno, Edward (Treasury)
Required Attendees:	'gambrose@cityofflint.com'; Byrne, Randall (Treasury); Sands, Thomas (MSP); Clement, Elizabeth (GOV); Saxton, Thomas (Treasury); Etue, Kriste (MSP); Maxine Murray (mmurray@cityofflint.com); Roberts, John (DTMB); Larkin, Brian (GOV); Klotz, Josephine (MSP); Kapp, Gene (MSP); Deasy, Thomas (MSP); Workman, Wayne (TREASURY); Sipes, Stephen (MSP); Pekrul, Daniel (MSP); O'Neill, Stephen (MSP); Lee, Nichole (MSP); 'Elizabeth Murphy'; Hollins, Harvey (GOV); Baird, Richard (GOV); Muchmore, Dennis (GOV); West, Samantha (GOV); 'James Tolbert'; Darnell Early (dearly@cityofflint.com); Carpenter, Brian (UIA); Smith, Paul (GOV); Minix, Connie (DTMB)
Optional Attendees:	'Darnell Earley'; Pleyte, Beth (Treasury); Cousineau, Sara (Treasury); McGowan, Emmitt (MSP); Sims, Robbin (MSP); Widigan, Robert (TREASURY); Carter, Jerry (MSP)

Ed Koryzno to Host
Call in – [redacted]
Access Code – [redacted]

From: Maxine Murray <mmurray@cityofflint.com>
Sent: Wednesday, February 18, 2015 4:40 PM
To: Kapp, Gene (MSP); Muchmore, Dennis (GOV); Roberts, John (DTMB); Dempkowski, Angela (Treasury); Baird, Richard (GOV); Carter, Jerry (MSP); Deasy, Thomas (MSP); Koryzno, Edward (Treasury); Clement, Elizabeth (GOV); Elizabeth Murphy; Etue, Kriste (MSP); Hollins, Harvey (GOV); Hill, Darryl (MSP); James Tolbert; Jerry Ambrose; Klotz, Josephine (MSP); Lee, Nichole (MSP); McGowan, Emmitt (MSP); Smith, Paul (GOV); Byrne, Randall (Treasury); Sands, Thomas (MSP); Sipes, Stephen (MSP); O'Neill, Stephen (MSP); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY); West, Samantha (GOV)
Subject: Bi-Weekly Conference Call Agenda
Attachments: Agenda for Conference Call with Treasury 021815.pdf

Good afternoon,

Please find attached the agenda for the conference call scheduled for **Thursday, February 19th, at 8:30 am.**

Thank you.

--
Maxine Murray
Executive Assistant to
Mayor Dayne Walling
Gerald Ambrose, Emergency Manager
1101 S. Saginaw Street
Flint, MI 48502
810.237.2035 Telephone
810.766.7218 Fax

City of Flint Thursday 9:00am Phone Conference Agenda

February 19, 2015

Redacted

Redacted

Redacted

5) Water Issues

a) MDEQ Violation Notice	The next TTHM sampling was conducted 2/17/15, testing will be done by the MDEQ. Our most recent internal tests show water to be within federal/state guidelines. Expect to receive a violation notice from MDEQ, due to the running average calculation, in 7-10 days. The notice to customers will go out by mid-March.	Update
b) Distressed Cities Grants	Announcements made for grant awards to Flint for Leak Detection and Sewage sludge Load Out Facility.	No Change
c) Drinking Water Revolving Fund	Discussing possible restructuring of loans.	No Change
d) Water Quality Consultant	Veolia will provide preliminary recommendations at the 2/18/15 Public Works Committee meeting - including process improvements, distributions system actions, communications improvements, and personnel support by way of new policies and procedures, training and new testing models. Priority budget, and timeline to follow within 1-2 weeks; much improvement has occurred as demonstrated by the most recent testing.	Update
e) WAC/TAC	A Water Advisory Committee and a Technical Advisory Committee have been formed as part of the process of improving communication and receiving additional feedback.	New

Redacted

From: Maxine Murray <mmurray@cityofflint.com>
Sent: Tuesday, March 03, 2015 2:00 PM
To: Kapp, Gene (MSP); Muchmore, Dennis (GOV); Roberts, John (DTMB); Dempkowski, Angela (Treasury); Baird, Richard (GOV); Carter, Jerry (MSP); Deasy, Thomas (MSP); Koryzno, Edward (Treasury); Clement, Elizabeth (GOV); Elizabeth Murphy; Etue, Kriste (MSP); Hollins, Harvey (GOV); Hill, Darryl (MSP); James Tolbert; Jerry Ambrose; Klotz, Josephine (MSP); Lee, Nichole (MSP); McGowan, Emmitt (MSP); Smith, Paul (GOV); Byrne, Randall (Treasury); Sands, Thomas (MSP); Sipes, Stephen (MSP); O'Neill, Stephen (MSP); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY); West, Samantha (GOV)
Subject: Bi-Weekly Conference Call Agenda
Attachments: Agenda for Conference Call with Treasury 030415 (1).pdf

Good afternoon,

Please find attached the agenda for the conference call scheduled for **Wednesday, March 4th at 9:00 am.**

Thank you.

--
Maxine Murray
Executive Assistant to
Mayor Dayne Walling
Gerald Ambrose, Emergency Manager
Natasha Henderson, City Administrator
1101 S. Saginaw Street
Flint, MI 48502
810.237.2035 Telephone
810.766.7218 Fax

City of Flint Wednesday 9:00am Phone Conference Agenda

March 4, 2015

Redacted

Last Report

Status

Redacted

	Last Report	Status

Redacted

5) Water Issues

a) MDEQ Violation Notice	Most recent TTHM sampling was tested by the MDEQ - confirmed our most recent internal tests findings that water is within federal/state guidelines. Expect to receive a violation notice from MDEQ, due to the running average calculation, in 7-10 days. The notice to customers will go out by mid-March.	Update
b) Drinking Water Revolving Fund	Discussing possible restructuring of loans.	Discussion ongoing
c) Water Quality Consultant	Final report being compiled; will focus on assuring continued TTHM compliance and plans for hardness and discoloration improvement.	Update
d) WAC/TAC	A 40 member Water Advisory Committee and a 13 member Technical Advisory Committee (including an EPA representative)have been formed as part of the process of improving communication and receiving additional feedback. Meeting this week.	Update
e) Problem resolution	Letter from EM to Treasury notes that the basic problem with water in Flint is cost, not water quality, but that no quick resolution is evident	New

Last Report	Status

Redacted

From: Maxine Murray <mmurray@cityofflint.com>
Sent: Tuesday, March 17, 2015 2:51 PM
To: Kapp, Gene (MSP); Muchmore, Dennis (GOV); Roberts, John (DTMB); Dempkowski, Angela (Treasury); Baird, Richard (GOV); Carter, Jerry (MSP); Deasy, Thomas (MSP); Koryzno, Edward (Treasury); Clement, Elizabeth (GOV); Elizabeth Murphy; Etue, Kriste (MSP); Hollins, Harvey (GOV); Hill, Darryl (MSP); James Tolbert; Jerry Ambrose; Klotz, Josephine (MSP); Lee, Nichole (MSP); McGowan, Emmitt (MSP); Natasha Henderson; Smith, Paul (GOV); Byrne, Randall (Treasury); Sands, Thomas (MSP); Sipes, Stephen (MSP); O'Neill, Stephen (MSP); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY); West, Samantha (GOV)
Subject: Bi-Weekly Conference Call Agenda
Attachments: Agenda for Conference Call with Treasury 031815.pdf

Good afternoon,

Please find attached the agenda for the 9:00 am conference call scheduled for **Wednesday, March 18, 2015.**

Thank you.

--
Maxine Murray
Executive Assistant to
Mayor Dayne Walling
Gerald Ambrose, Emergency Manager
Natasha L. Henderson, City Administrator
1101 S. Saginaw Street
Flint, MI 48502
810.237.2035 Telephone
810.766.7218 Fax

City of Flint Wednesday 9:00am Phone Conference Agenda

March 18, 2015 Redacted

Redacted

Redacted

5) Water Issues

a) MDEQ Violation Notice	Most recent TTHM sampling was tested by the MDEQ - confirmed our most recent internal test findings - that water is within federal/state guidelines. Received the violation notice from MDEQ, due to the running average calculation. The notice to customers will go out by mid-March, with more information included and medical community participation.	Update
b) Drinking Water Revolving Fund	Discussing possible restructuring of loans.	No Change
c) Water Quality Consultant	Final report being compiled; will focus on TTHM compliance and plans for hardness and discoloration improvement.	Update
d) WAC/TAC	A 40 member Water Advisory Committee and a 13 member Technical Advisory Committee (including EPA representative) have met as part of the process of improving communication and receiving additional feedback. WAC 2nd meeting scheduled for 3/19/15.	Update
e) Problem resolution next steps	Administration to develop action plan based on Veolia study and input from WAC/TAC.	Update

Redacted

Redacted

From: VanSickle, Michele (GOV)
Sent: Wednesday, March 25, 2015 2:34 PM
To: Barnes, Jeff (DMVA); Dave Hiller; Dave Molloy; Don Johnston; Etue, Kriste (MSP); Gary A. Rosema (CLEAR Chairman) (grosema@miottawa.org); Heyns, Daniel (MDOC); James Craig - City of Detroit (craigj@detroitmi.gov); Karen Reid; Ken Grabowski; Klotz, Josephine (MSP); Louise Alderson; Michael Lovelace; Miller, Kim (DMVA); Simon, Sandy C. (MDOC); Smith, Paul (GOV); Stuart Dunnings; Tim Bourgeois; Wesaw, Matthew (MDCR); West, Samantha (GOV)
Subject: Notes from the January 29th CLEAR meeting are attached
Attachments: CLEAR Meeting Minutes January 29 2015.docx

Please review the notes from our January 29 CLEAR meeting prior to tomorrow's meeting.

Thank you and see you tomorrow.

Michele VanSickle
Executive Assistant for Richard Baird, Shani Penn, and Mike Finney
Executive Office of Governor Rick Snyder
(517) 241-5621
vansicklem2@michigan.gov

CLEAR Meeting Summary
January 29, 2015

ATTENDEES:
Sheriff Gary A. Rosema, Ottawa County
Col. Kriste Etue, MSP
Chief Tim Bourgeois, Kalamazoo Township
Chief David Molloy, Novi Police Department
Ken Grabrowski, POAM
Dave Hiller, MFOP
Judge Donald Johnston, 17th Circuit Court, Kent County
Sheriff Michael Lovelace, Marquette County
Rich Baird, Governor's Office
Michele VanSickle, Governor's Office
Paul Smith, Governor's Office

GUESTS:
Harriett Miller-Brown, State 911
Jim Redford, Governor's Legal Council
John Walsh, Strategic Policy Governor's office
Devesh Poddar, DTMB

DRAFT

Redacted

Old Business

Redacted

Redacted

- Flint's water issue pertains to the water eliminating an odor and looking not appetizing. The water is safe to drink and bathe in. Working to recut a deal with Detroit W&S until other water deal is completed.

Redacted

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DRAFT

From: Maxine Murray <mmurray@cityofflint.com>
Sent: Tuesday, March 31, 2015 3:36 PM
To: Kapp, Gene (MSP); Muchmore, Dennis (GOV); Roberts, John (DTMB); Dempkowski, Angela (Treasury); Baird, Richard (GOV); Carter, Jerry (MSP); Deasy, Thomas (MSP); Koryzno, Edward (Treasury); Clement, Elizabeth (GOV); Elizabeth Murphy; Etue, Kriste (MSP); Hollins, Harvey (GOV); Hill, Darryl (MSP); James Tolbert; Jerry Ambrose; Klotz, Josephine (MSP); Lee, Nichole (MSP); McGowan, Emmitt (MSP); Natasha Henderson; Smith, Paul (GOV); Byrne, Randall (Treasury); Sands, Thomas (MSP); Sipes, Stephen (MSP); O'Neill, Stephen (MSP); Saxton, Thomas (Treasury); Workman, Wayne (TREASURY); West, Samantha (GOV)
Subject: Bi-Weekly Conference Call Agenda
Attachments: Agenda for Conference Call with Treasury 040115.pdf

Good afternoon,

Please find attached the agenda for the 9:00 am conference call scheduled for **Wednesday, April 1, 2015.**

Thank you.

--
Maxine Murray
Executive Assistant to
Mayor Dayne Walling
Gerald Ambrose, Emergency Manager
Natasha L. Henderson, City Administrator
1101 S. Saginaw Street
Flint, MI 48502
810.237.2035 Telephone
810.766.7218 Fax

City of Flint Wednesday 9:00am Phone Conference Agenda

April 1, 2015

Redacted

Redacted

Redacted

5) Water Issues

a) MDEQ Violation Notice	Most recent TTHM sampling was tested by the MDEQ - confirmed our internal test findings - that water is within federal/state guidelines. Received the violation notice from MDEQ, due to the running average calculation. The notice to customers is being mailed now, with more information included.	Update
b) Drinking Water Revolving Fund	Order #2 was issued to restructure and amend the debt service payments on the DWRF Bonds, by postponing the principal payments	Complete
c) Water Quality Consultant	Final report received. Action steps are being compiled; will focus on TTHM compliance and plans for hardness and discoloration improvement. Installation of granulated activated charcoal (GAC) filter likely.	Update
d) WAC/TAC	A 40 member Water Advisory Committee and a 13 member Technical Advisory Committee (including EPA representative) have met as part of the process of improving communication and receiving additional feedback. WAC 2nd meeting was held 3/19/15. Format under reconsideration.	Update

Redacted

Redacted

From: Wurfel, Sara (GOV)
Sent: Monday, September 28, 2015 3:10 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Hollins, Harvey (GOV); Mcbride, Bill (GOV); Agen, Jarrod (GOV)
Cc: Murray, David (GOV)
Subject: FW: FOR IMMEDIATE RELEASE: Senate Minority Leader Jim Ananich Urges Governor, State Action in Flint

Importance: High

FYI --

And for the record, NO ONE from the Senator's office reached out before they put this out, though I know such action was alluded too. And I do try to make sure Angela on comms team always gets a heads up on key things we're doing.

From: Angela Wittrock [mailto:AWittrock@senate.michigan.gov]
Sent: Monday, September 28, 2015 2:48 PM
To: Angela Wittrock <AWittrock@senate.michigan.gov>
Subject: FOR IMMEDIATE RELEASE: Senate Minority Leader Jim Ananich Urges Governor, State Action in Flint

FOR IMMEDIATE RELEASE
September 28, 2015

Contact: Angela Wittrock
517.775.1430

Senate Minority Leader Jim Ananich Urges Governor, State Action in Flint

FLINT, Mich.—Senate Minority Leader Jim Ananich (D-Flint) issued the following statement:

"My constituents and I believe the state must act urgently to provide concrete solutions to the public health crisis in the City of Flint. In speaking with Governor Snyder and his key aides today, I stressed the need to work together on a number of initiatives that will ensure safe water for Flint residents.

"My formal request included immediate and long-term solutions, including strong consideration for switching back to the Detroit water source until the Karegnondi Pipeline Authority project is complete. Anything less than an aggressive, comprehensive approach is simply unacceptable."

A copy of Senator Ananich's letter to Governor Snyder can be viewed here.

###

Angela Wittrock
Press Secretary
Senate Minority Leader Jim Ananich
..
Boji Tower, Second Floor | Lansing, MI 48909-7536
P: 517.373.1339
[redacted]

Please sign up for our e-news at: Senatedems.com/Ananich
Facebook: jimananich | Twitter: @jimananich

From: Wurfel, Sara (GOV)
Sent: Friday, October 23, 2015 10:35 AM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Mcbride, Bill (GOV); Hollins, Harvey (GOV); Baird, Richard (GOV)
Cc: Murray, David (GOV)
Subject: FW: Join Me Wednesday for an Update on Flint Water

Importance: High

FYI –

This was passed along by a few people who have received.

Begin forwarded message:

From: Congressman Dan Kildee <MI05DKima@mail.house.gov>
Date: October 22, 2015 at 6:39:37 PM EDT
Subject: Join Me Wednesday for an Update on Flint Water

Click here to open this e-mail in its own browser window Click here to open a plain text version of this email

News from Representative Kildee
Click here to open this e-mail in its own browser window Click here to open a plain text version of this email

Dear ,

The Flint water crisis is a failure of government at every level, and I am committed to increasing transparency and finding answers to ensure that these failures never happen again. That's why I have called for an investigation into the causes of water problems in Flint.

Simply put, high lead levels in Flint's drinking water are unacceptable, and there must be accountability.

As part of my ongoing efforts, I am holding a **telephone town hall with constituents on Wednesday, October 28th, at 7 p.m. ET** to provide an update on my efforts. I'll be joined by both Dr. Mona Hanna-Attisha and Dr. Marc Edwards, who both conducted critical tests that exposed unacceptable lead levels in Flint. On the live call, we will also answer questions from Flint residents.

If you're interested in joining our conversation, please RSVP here, or fill out the form below.

What is your preferred Prefix (Mr./Mrs./Ms./Dr., etc)?
[ ]
What is your First Name?
[ ]

What is your Last Name?
[ ]
What phone number would you like to use to participate in the telephone town hall?
[ ]
What is your Email Address?
[ ]
What is your Address?
[ ]
What is your Zip Code?
[ ]

[RSVP!]

Click to open in a separate window

For months, I have been pressing state and federal agencies for immediate resources and action to improve and restore confidence in water quality. At the federal level, I am pushing for resources to ensure the safety of water, but also make much-needed repairs to our city's aging water system and infrastructure. *The Flint Journal* covered these federal efforts in March. You can view them here.

Additionally, I welcome the announcement recently that the U.S. Environmental Protection Agency will send technical advisors to Flint to assist the city and state. I have repeatedly asked the EPA to send these much-needed experts to help improve the water quality and hopefully restore some public confidence in the safety of our water.

Serious issues remain, and there is a long way to go before complete confidence in the city's drinking water is restored. I am committed to working to ensure that Flint residents get a thorough investigation and answers to their questions.

I hope you'll join me next Wednesday for a telephone town hall update on Flint water.

Sincerely,

Dan Kildee

Washington D.C. Office
227 Cannon HOB
Washington, DC 20515
Phone: (202) 225-3611
Hours: 9:00 a.m. - 5:00 p.m.

District Office
111 East Court Street, #3B
Flint, MI 48502
Phone: (810) 238-8627
Hours: 9:00 a.m. - 5:00 p.m.

Unsubscribe | Privacy Policy

From: Wurfel, Sara (GOV)
Sent: Friday, January 30, 2015 11:56 AM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Hollins, Harvey (GOV); Posthumus, Dick (GOV); Durfee, Sally (GOV); Agen, Jarrod (GOV); Murray, David (GOV)
Subject: Fwd: Rep Neeley's Release

Please see below.

Dave will bring this up during the 1:30 pm call on this issue today.

Sara Wurfel
Press Secretary | Executive Office of Governor Rick Snyder

Sent from my iPhone

Begin forwarded message:

From: Katie Carey <kcarey@house.mi.gov>
Date: January 30, 2015 at 11:46:03 AM EST
To: "Wurfel, Sara (GOV)" <Wurfels@michigan.gov>
Subject: Rep Neeley's Release

Sara –

Just wanted to give you a heads up that Rep Neeley sent a letter to the Gov and asked that I send out the following press release re the water situation in Flint.

FOR IMMEDIATE RELEASE
Friday, Jan. 30, 2015

Contact: Rep. Sheldon Neeley
Phone: (517) 373-8808

Neeley Sends Letter to Governor Concerning Flint Water Crisis

Legislator asks Gov. Snyder to consider plans to fix water system

LANSING – State Representative **Sheldon Neeley** (D-Flint) has sent a letter to Gov. Rick Snyder, as well as his chief of staff, Dennis Muchmore, and his senior advisor, Dick Posthumus, to inform them of the current crisis affecting the city of Flint's water supply. Residents have spoken out about the quality of the water, calling it unsafe to drink. Photos taken by residents and Flint media have shown

the water to be brownish in color, with sediment and other foreign bodies floating in it.

"In light of the rising and continuous concerns in the Flint community, it is imperative that the governor explores all options in his power to come to the aid of the community," Neeley said.

In the letter, Rep. Neeley asks for an executive decision by the governor to forgive Flint's water fund loan balance of nearly $20.8 million so that those funds may be used to help the city rebuild the infrastructure as well as provide a cost-effective water delivery system.

With this loan forgiveness, Rep. Neeley explains the city will be able to upgrade wastewater treatment processes, improve safe drinking water upgrades and maintain a water system that provides better water to the citizens of Flint.

"The people of Flint elected me to serve them first, and when I see my constituents on the verge of civil unrest, I must act swiftly and with passion," Neeley said. "I am hopeful this letter will bring the concerns of Flint to Gov. Snyder, and that will in turn open a dialogue about what can be done to help the community I love so much."

###

Katie Carey
Deputy Director of Democratic Central Staff
Press Secretary, House Democratic Leader Tim Greimel & the House Democratic Caucus
517.373.8924 (office)
[redacted]
kcarey@house.mi.gov

From: Posthumus, Dick (GOV)
Sent: Friday, January 30, 2015 12:58 PM
To: Wurfel, Sara (GOV)
Cc: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Hollins, Harvey (GOV); Durfee, Sally (GOV); Agen, Jarrod (GOV); Murray, David (GOV)
Subject: Re: Rep Neeley's Release

I am meeting with him on Monday
Sent from my iPhone

On Jan 30, 2015, at 11:56 AM, "Wurfel, Sara (GOV)" <Wurfels@michigan.gov> wrote:

> Please see below.
>
> Dave will bring this up during the 1:30 pm call on this issue today.
>
> Sara Wurfel
> Press Secretary | Executive Office of Governor Rick Snyder
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Katie Carey <kcarey@house.mi.gov>
> > **Date:** January 30, 2015 at 11:46:03 AM EST
> > **To:** "Wurfel, Sara (GOV)" <Wurfels@michigan.gov>
> > **Subject: Rep Neeley's Release**
> >
> > Sara –
> >
> > Just wanted to give you a heads up that Rep Neeley sent a letter to the Gov and asked that I send out the following press release re the water situation in Flint.

FOR IMMEDIATE RELEASE
Friday, Jan. 30, 2015

Contact: Rep. Sheldon Neeley
Phone: (517) 373-8808

Neeley Sends Letter to Governor Concerning Flint Water Crisis

Legislator asks Gov. Snyder to consider plans to fix water system

LANSING – State Representative **Sheldon Neeley** (D-Flint) has sent a letter to Gov. Rick Snyder, as well as his chief of staff, Dennis Muchmore, and his senior advisor, Dick Posthumus, to inform them of the current crisis affecting the city of Flint's water supply. Residents have spoken out about the quality of the water, calling it unsafe to drink. Photos taken by residents and Flint media have shown the water to be brownish in color, with sediment and other foreign bodies floating in it.

"In light of the rising and continuous concerns in the Flint community, it is imperative that the governor explores all options in his power to come to the aid of the community," Neeley said.

In the letter, Rep. Neeley asks for an executive decision by the governor to forgive Flint's water fund loan balance of nearly $20.8 million so that those funds may be used to help the city rebuild the infrastructure as well as provide a cost-effective water delivery system.

With this loan forgiveness, Rep. Neeley explains the city will be able to upgrade wastewater treatment processes, improve safe drinking water upgrades and maintain a water system that provides better water to the citizens of Flint.

"The people of Flint elected me to serve them first, and when I see my constituents on the verge of civil unrest, I must act swiftly and with passion," Neeley said. "I am hopeful this letter will bring the concerns of Flint to Gov. Snyder, and that will in turn open a dialogue about what can be done to help the community I love so much."

###

Katie Carey
Deputy Director of Democratic Central Staff
Press Secretary, House Democratic Leader Tim Greimel & the House Democratic Caucus
517.373.8924 (office)
[redacted]
kcarey@house.mi.gov

From: Wurfel, Sara (GOV)
Sent: Monday, September 28, 2015 3:10 PM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Hollins, Harvey (GOV); Mcbride, Bill (GOV); Agen, Jarrod (GOV)
Cc: Murray, David (GOV)
Subject: FW: FOR IMMEDIATE RELEASE: Senate Minority Leader Jim Ananich Urges Governor, State Action in Flint

Importance: High

FYI --

And for the record, NO ONE from the Senator's office reached out before they put this out, though I know such action was alluded too. And I do try to make sure Angela on comms team always gets a heads up on key things we're doing.

From: Angela Wittrock [mailto:AWittrock@senate.michigan.gov]
Sent: Monday, September 28, 2015 2:48 PM
To: Angela Wittrock <AWittrock@senate.michigan.gov>
Subject: FOR IMMEDIATE RELEASE: Senate Minority Leader Jim Ananich Urges Governor, State Action in Flint

FOR IMMEDIATE RELEASE
September 28, 2015

Contact: Angela Wittrock
517.775.1430

Senate Minority Leader Jim Ananich Urges Governor, State Action in Flint

FLINT, Mich.—Senate Minority Leader Jim Ananich (D-Flint) issued the following statement:

"My constituents and I believe the state must act urgently to provide concrete solutions to the public health crisis in the City of Flint. In speaking with Governor Snyder and his key aides today, I stressed the need to work together on a number of initiatives that will ensure safe water for Flint residents.

"My formal request included immediate and long-term solutions, including strong consideration for switching back to the Detroit water source until the Karegnondi Pipeline Authority project is complete. Anything less than an aggressive, comprehensive approach is simply unacceptable."

A copy of Senator Ananich's letter to Governor Snyder can be viewed here.

###

Angela Wittrock
Press Secretary
Senate Minority Leader Jim Ananich
..
Boji Tower, Second Floor | Lansing, MI 48909-7536
P: 517.373.1339
[redacted]

Please sign up for our e-news at: Senatedems.com/Ananich
Facebook: jimananich | Twitter: @jimananich

From: Stanton, Terry A. (Treasury)
Sent: Thursday, October 01, 2015 3:43 PM
To: Wurfel, Sara (GOV); Wurfel, Brad (DEQ)
Cc: Murray, David (GOV); Heaton, Anna (GOV); Kennedy, Jordan (GOV); Robert, Carla M. (Treasury); Feuerstein, Heather (DEQ)
Subject: FW: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis
Attachments: phelpsdnl092915.pdf; phelpsext091515.pdf

Importance: High

All-

Just received this from Dave Eggert...

I am going to tell David that **Treasury did send a timely response to the Representative.** It was due (following a statutory extension) on Tuesday, September 29, 2015. Our response (attachment 1) went in the mail on Tuesday. As you will see, it was a "denial," as Treasury does not have any records regarding "waivers, permits or applications to use the Flint River..."

Apparently, the response has not arrived in his (Flushing, MI) mailbox...or is arriving today.

I have also attached the extension letter (attachment 2), which was timely-mailed as well.

Let me know if you have any questions...

From: Eggert, David [mailto:DEggert@ap.org]
Sent: Thursday, October 01, 2015 2:47 PM
To: Stanton, Terry A. (Treasury) <StantonT@michigan.gov>
Subject: Fwd: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis

Can you respond?

Sent from my iPhone

Begin forwarded message:

> **From:** Rosemary Jones <RJones@house.mi.gov>
> **Date:** October 1, 2015 at 2:42:16 PM EDT
> **To:** Rosemary Jones <RJones@house.mi.gov>
> **Subject: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis**
>
> **FOR IMMEDIATE RELEASE:** **Contact: Rep. Phil Phelps**
> **Thursday, Oct. 1, 2015** **Phone: (517) 373-7515**

Statement from state Rep. Phil Phelps (D-Flushing) on his FOIA requests pertaining to the City of Flint water crisis being denied:

"Residents of the City of Flint face a substantial health risk due to contaminants found in their drinking water. In an effort to not politicize this situation, I have been working directly with state and local officials in seeking important information and attempting to correct the City's water crisis. Unfortunately, I have been faced with continual road blocks in my requests for information. It has been nearly a month since I submitted Freedom of Information Act (FOIA) requests to the State and the City of Flint requesting to see documents related to the City's switch to using water from the Flint River. I requested the applications and permits required by law to change a city's source of water. So far, the State Treasury has violated FOIA by not providing any information or even a denial. The Department of Environmental Quality (DEQ) and City of Flint have denied my request saying that the documents I requested do not exist. However, state law requires Michigan cities to apply for a permit from the DEQ to switch their source of water. Violation of this law is punishable by a fine of $5,000 per day and possible incarceration. I find it hard to believe that the DEQ and the City of Flint ignored such a critical step, not to mention one that the cost in fines alone would already be roughly $2.5 million and cause those responsible to be subject to criminal prosecution.

"My request for these documents was meant to be a fact-finding mission to ascertain the degree to which the State knew about or took any action to determine the potential hazards of making this switch prior to being officially ordered by the State-appointed Emergency Manager. Since the State has decided not to disclose this information to me, it is unclear the extent to which the State is culpable. I believe the bottom line here is that the decision to switch the source of Flint's water to the Flint River was made by the Emergency Manager appointed by Governor Snyder and the burden is on his shoulders to make this right.

"The use of the river water has caused a great amount of destruction to the City's water infrastructure, and it has put the residents who use the water in harm's way. To help continue this fight for information, I have retained attorney Keith D. Flynn of the law firm Miller Cohen P.L.C. to further evaluate my legal options. My position and recommendation to the Governor on this issue is that the State should immediately switch Flint's water source back to the Detroit Water System at no additional cost to Flint residents and supply water filters to every household in Flint.

"Furthermore, the State should begin to estimate costs for the total damage done to the City's public works infrastructure and for the treatment of potential adverse health outcomes we could see in Flint residents in the future and allocate expenditures to correct this problem."

Rosie Jones
Deputy Press Secretary
Michigan House Democrats
O: 517.373.3731
[redacted]
housedems.com

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STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

September 29, 2015

Mr. Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

Dear Mr. Phelps:

This notice is issued in response to your request dated September 4, 2015, which you submitted under the Freedom of Information Act (FOIA), MCL 15.231 *et seq*. Your request was received in the Department of Treasury (Department) by electronic mail on September 8, 2015. As set forth in the Department's September 15, 2015 notice, a statutory extension of time to respond was taken through September 29, 2015.

You have requested records which you describe as: 1) All documents the Michigan Department of Treasury, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity; 2) All documents the Michigan Department of Treasury, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity; 3) All documents the Michigan Department of Treasury has in its possession, including correspondence, related to any communications between the Michigan Department of Treasury, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

To the extent we understand your description, your request is denied. After a thorough search of Department records, to the best of the undersigned's knowledge, information and belief, no such records as you describe, or by any other name reasonably known to the Department, regarding any "waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity," exist in the Department of Treasury.

In an effort to be cooperative, you may wish to contact the Department of Environmental Quality as they may have records responsive to your request.

As to the denial of your FOIA request, the Department is obligated to inform you that under section 10 of the FOIA, MCL 15.240 you may do the following:

1. Appeal this decision in writing to the State Treasurer, Michigan Department of Treasury, P.O. Box 30716, Lansing, MI 48909. The writing must specifically state the word "appeal" and must identify the reason or reasons you believe the denial should be reversed. The Department must respond to your appeal within 10 days of its receipt. Under unusual circumstances, the time for response to an appeal may be extended by 10 business days.

2. File an action in the appropriate court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements, and possible damages.

Pursuant to section 4 of the FOIA, MCL 15.234, the Department's FOIA procedures, guidelines and written summary can be found on the Department's website at the following link: http://michigan.gov/treasury/0,4679,7-121-72699-357926--,00.html.

Sincerely,

Carla M. Robert

Carla M. Robert
FOIA Coordinator

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

September 15, 2015

Mr. Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

Dear Mr. Phelps:

This notice is issued in response to your request dated September 4, 2015, which you submitted under the Freedom of Information Act (FOIA), MCL 15.231 *et seq*. Your request was received in the Department of Treasury (Department) by electronic mail on September 8, 2015.

You have requested records which you describe as: 1) All documents the Michigan Department of Treasury, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity; 2) All documents the Michigan Department of Treasury, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity; 3) All documents the Michigan Department of Treasury has in its possession, including correspondence, related to any communications between the Michigan Department of Treasury, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

In order to search for records in the possession of the Department that may fall within the scope of your request, under section 5(2)(d) of the FOIA, MCL 15.235(2)(d), the Department is extending by ten business days the period to respond. We will issue a written notice no later than September 29, 2015.

Sincerely,

Carla M. Robert

Carla M. Robert
FOIA Coordinator

From: Dickinson, Jordan <Jordan.Dickinson@mail.house.gov>
Sent: Wednesday, October 07, 2015 5:38 PM
To: Brown, Eric (GOV); Mcbride, Bill (GOV); Wurfel, Brad (DEQ); Pallone, Maggie (DEQ); Murray, David (GOV); Emmitt, Beth (GOV)
Subject: Cong. Kildee Response to Gov. Snyder Letter
Attachments: 100715 Response to 100215 Snyder Letter.pdf; 09-22-15 Kildee Requesting Temporary Assistance for Lead in Flint Water.pdf; 03-27-15 - SRF Loan Forgiveness for Flint - EPA (McCarthy).pdf

Hi Everyone,

Please see the attached letter to Governor Snyder. Can you make sure he sees it? Congressman Kildee is looking forward to the call with Governor Snyder tomorrow to hear updates on the Flint water emergency.

Thank you,

Jordan Dickinson
Legislative Assistant
Congressman Dan Kildee (MI-05)
227 Cannon House Office Building
Washington, D.C. 20515
Phone: (202) 225-3611
www.dankildee.house.gov

Sign up for Congressman Dan Kildee's e-newsletter

DANIEL T. KILDEE
5TH DISTRICT, MICHIGAN

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October 7, 2015

Governor Rick Snyder
Executive Office of the Governor
P.O. Box 30013
Lansing, Michigan 48909

Governor Snyder,

Thank you for your letter on October 2, 2015, regarding the state of Michigan's plans to respond to the crisis regarding the drinking water in Flint, Mich. I encourage you to immediately implement the action plan outlined so that Flint residents can have safe drinking water.

Moreover, you asked for my assistance in working with federal agencies to address this issue. Due to the urgent nature of this issue, I want to update you that my staff and I are working closely with Senators Stabenow and Peters and have been in communication with the appropriate agencies. I will continue to do everything I can to help address this issue at the federal level.

On September 22, 2015, I previously wrote letters to the U.S. Environmental Protection Agency, Department of Health and Human Services, Centers for Disease Control and Federal Emergency Management Agency requesting immediate assistance to provide safe drinking water to Flint.

In addition, on March 26, 2015, I sent a letter to the U.S. Environmental Protection Agency asking them to clarify if there is any statutory limitation on states to forgive the principal on loans made through the Safe Drinking Water State Revolving Fund.

Again, thank you for beginning to utilize your office's resources to help address the water quality in Flint. I look forward to working with you on the shared goal of helping the residents of Flint have safe drinking water.

Sincerely,

Dan Kildee
MEMBER OF CONGRESS

DANIEL T. KILDEE
5TH DISTRICT, MICHIGAN

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September 22, 2015

Secretary Sylvia Matthews Burwell
U.S. Department of Health & Human Services
HHS Office of the Secretary
200 Independence Avenue, S.W.
Washington, DC 20201

Administrator William Craig Fugate
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472

Administrator Gina McCarthy
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Director Tom Frieden
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Secretary Burwell, Administrator McCarthy, Administrator Fugate and Director Frieden:

Recent developments regarding the level of lead in the water in one of the communities I represent, Flint, Mich., have raised significant concerns about the safety of its drinking water. For this reason, I am requesting immediate resources to provide safe drinking water to the residents of Flint until additional testing can be completed that confirms the water is safe, particularly for young children.

Although the city of Flint and the Michigan Department of Environmental Quality have conducted tests and taken the position that the lead level in the water is safe and below the action level, there are significant questions about the efficacy of their testing. In fact, Dr. Marc Edwards of Virginia Tech University, an established drinking water expert, conducted his own tests as part of a study that determined the water in Flint was above the lead action level.

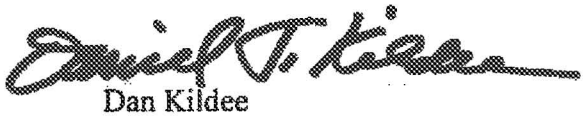
Additionally, yesterday the Greater Flint Health Coalition, a group of health professionals in the community, released a report showing elevated blood lead levels in residents in Flint, particularly in young children. In response, the Coalition has requested that the Genesee County Health Department release a health advisory indicating that the water in Flint is unsafe to drink.

Thus, I am requesting resources from your agency to provide clean drinking water to the residents of Flint until additional testing can determine when the water will be safe to drink and a long-term solution can be implemented.

This is a serious health issue, particularly for young children, and until the water is demonstrated to be safe, immediate action must be taken to ensure Flint's residents have potable drinking water.

I look forward to working with you and thank you for your immediate attention.

Sincerely,



Dan Kildee
MEMBER OF CONGRESS

DANIEL T. KILDEE
5TH DISTRICT, MICHIGAN

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801 SOUTH SAGINAW STREET
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(810) 238-8658 (FAX)

March 26, 2015

Ms. Gina McCarthy
Administrator, Environmental Protection Agency
1101 A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

My office has reached out to both the Office of Congressional and Intergovernmental Relations at the Environmental Protection Agency (EPA) and the Congressional Research Service (CRS) to determine if there are any statutory limitations on states to forgive the principal on loans made through the Safe Drinking Water State Revolving Fund (SDWSRF) program. After talking to both of these offices, there seems to be a difference in legal opinion between the two interpretations as to whether forgiveness of principal is statutorily allowed, and I am requesting further clarification.

The City of Flint, Mich., located in my district, continues to endure prolonged and severe financial stress due to the loss of thousands of manufacturing jobs, resulting in population loss and an erosion of its tax base. In an effort to improve the city's financial stability, Flint decided to end its 50-plus-year affiliation with the City of Detroit Water and Sewage Department in April of 2013. Instead, Flint would become a partner in the Karegnondi Water Authority (KWA) to bring raw water from Lake Huron to the city.

The water contract between the City of Detroit Water and Sewage Department and Flint was terminated in May of 2014.The KWA, however, will not be able to provide water to the city until its pipeline from Flint to Lake Huron is completed at the end of 2016. To fill the gap in service until the KWA is completed, Flint has turned to the Flint River as its current source for raw water. The Flint River has proven to have an inconsistent quality because of high levels of organic matter. Flint water officials have used high levels of trihalomethanes to treat the occasional elevated levels of organic matter in the water. On December 16, 2014, the Michigan Department of Environmental Quality cited the city for being in violation of water standards determined by the Safe Drinking Water Act (SDWA) due to high levels of trihalomethanes. In accordance with the SDWA, a cautionary notice about the citation was subsequently sent to residents.

Since its citation, Flint has engaged local and state leaders to find a solution for the poor quality of the water. On February 3, 2015, the state gave the city close to $2 million to hire consultants to assess the condition and find leaks in the water infrastructure system. While this funding is a step in the right direction, it is not nearly enough to significantly improve the water quality.

This background on Flint's water situation is to point out that the SDWA is intended to improve drinking water in America's cities, such as Flint, by creating water quality standards and funding the SDWSRF to invest in water infrastructure. In addition to the high levels of trihalomethanes, the poor condition of water infrastructure in Flint, regardless of the water's source, contributes to discolored and poor tasting water. Furthermore, Flint currently suffers an over 35 percent loss ratio of water between the treatment plant and the end user. In the past, Flint has benefitted from the SDWSRF and currently has close to $22 million in outstanding loans from it that the city has used to repair the water system. The financial stress of making payments on these loans, however, has prevented the city from making the necessary ongoing investments to its water infrastructure.

To decrease the burden of these loans, on January 18, 2015, Flint requested that the state of Michigan, as the responsible party in appropriating funds from the SDWSRF to local governments, forgive part of the principal. The state responded that forgiving the principal is not an option as the state does not have the authority to do so.

In response to the state's reply, on February 10, 2015, my staff reached out to the Office of Congressional and Intergovernmental Relations at the EPA to ask if they were aware of any statutory language that prevents principal forgiveness of loans made under the SDWSRF. On February 25, 2015, the EPA responded that they "could find … no provision that would allow a state to [forgive an existing loan made from a Safe Drinking Water Act state revolving fund]."

On February 23, 2015, my staff also reached out to the CRS for their legal opinion on this matter. Although they could not find any precedent for doing so, the CRS did find two instances in statute that, in their opinion, allows states to forgive the principal on loans made through the SDWSRF.

First, SDWA sec. 1452(d)(1), 42 USC 300j-12(d)(1), states – "Notwithstanding any other provision of this section, in any case in which the State makes a loan pursuant to subsection (a)(2) of this section to a disadvantaged community … , the State may provide additional subsidization (including forgiveness of principal)."

Second, the Consolidated and Further Continuing Appropriations Act, 2015, Pub. Law 113-235, states on page 296 – "Provided further, [t]hat not less than 20 percent but not more than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act; …."

The difference in opinion between EPA and CRS has created ambiguity for the affected parties. The ability of states to forgive portions of the principal on loans made through the SDWSRF could have a significant impact on the financial state of Flint and many other distressed municipalities across the county. I would appreciate clarification from you on what, according to EPA's interpretation of the law, statutorily prevents states from forgiving the principal on loans made under the SDWSRF.

Due to critical nature of the water quality in Flint and the impact that loan forgiveness could have on improving the quality of the water, I ask for your prompt attention to this matter.

Sincerely,

Dan Kildee
MEMBER OF CONGRESS

cc:
Cathy Davis, EPA
Eileen Deamer, EPA
Robert Meltz, CRS

From: Wurfel, Sara (GOV)
Sent: Friday, October 23, 2015 10:35 AM
To: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Mcbride, Bill (GOV); Hollins, Harvey (GOV); Baird, Richard (GOV)
Cc: Murray, David (GOV)
Subject: FW: Join Me Wednesday for an Update on Flint Water

Importance: High

FYI –

This was passed along by a few people who have received.

Begin forwarded message:

From: Congressman Dan Kildee <MI05DKima@mail.house.gov>
Date: October 22, 2015 at 6:39:37 PM EDT
Subject: Join Me Wednesday for an Update on Flint Water

Click here to open this e-mail in its own browser window Click here to open a plain text version of this email

News from Representative Kildee
Click here to open this e-mail in its own browser window Click here to open a plain text version of this email

Dear ,

The Flint water crisis is a failure of government at every level, and I am committed to increasing transparency and finding answers to ensure that these failures never happen again. That's why I have called for an investigation into the causes of water problems in Flint.

Simply put, high lead levels in Flint's drinking water are unacceptable, and there must be accountability.

As part of my ongoing efforts, I am holding a **telephone town hall with constituents on Wednesday, October 28th, at 7 p.m. ET** to provide an update on my efforts. I'll be joined by both Dr. Mona Hanna-Attisha and Dr. Marc Edwards, who both conducted critical tests that exposed unacceptable lead levels in Flint. On the live call, we will also answer questions from Flint residents.

If you're interested in joining our conversation, please RSVP here, or fill out the form below.

What is your preferred Prefix (Mr./Mrs./Ms./Dr., etc)?
[ ]

What is your First Name?
[ ]
What is your Last Name?
[ ]
What phone number would you like to use to participate in the telephone town hall?
[ ]
What is your Email Address?
[ ]
What is your Address?
[ ]
What is your Zip Code?
[ ]

[RSVP!]

Click to open in a separate window

For months, I have been pressing state and federal agencies for immediate resources and action to improve and restore confidence in water quality. At the federal level, I am pushing for resources to ensure the safety of water, but also make much-needed repairs to our city's aging water system and infrastructure. *The Flint Journal* covered these federal efforts in March. You can view them here.

Additionally, I welcome the announcement recently that the U.S. Environmental Protection Agency will send technical advisors to Flint to assist the city and state. I have repeatedly asked the EPA to send these much-needed experts to help improve the water quality and hopefully restore some public confidence in the safety of our water.

Serious issues remain, and there is a long way to go before complete confidence in the city's drinking water is restored. I am committed to working to ensure that Flint residents get a thorough investigation and answers to their questions.

I hope you'll join me next Wednesday for a telephone town hall update on Flint water.

Sincerely,

Dan Kildee

Washington D.C. Office
227 Cannon HOB
Washington, DC 20515
Phone: (202) 225-3611
Hours: 9:00 a.m. - 5:00 p.m.

District Office
111 East Court Street, #3B
Flint, MI 48502
Phone: (810) 238-8627
Hours: 9:00 a.m. - 5:00 p.m.

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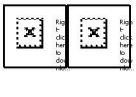

From: Congressman Dan Kildee <MI05DKima@mail.house.gov>
Sent: Monday, October 05, 2015 7:02 PM
To: Brown, Eric (GOV)
Subject: An Update on Flint's Water

Click here to open this e-mail in its own browser window Click here to open a plain text version of this email

News from Representative Kildee
Click here to open this e-mail in its own browser window Click here to open a plain text version of this email

Dear Eric,

I am writing to make sure you are aware of a Genesee County Health Department health advisory that has been issued for people drinking water in the city of Flint, including steps you can take to get your water tested and limit your exposure.

Tests have shown that water in Flint contains high levels of lead. According to the Centers for Disease Control, lead is a serious toxin that impacts every organ in the body, including the brain. While both children and adults are vulnerable to lead health effects, children under age six and pregnant mothers are most at risk.

Flint residents are encouraged to get their water tested if they are concerned about lead contamination. Residents can get their water tested for lead by visiting the city of Flint website at www.cityofflint.com or by contacting the Flint Water Department at 810-787-6537.

If you are concerned that you or your children have been exposed to lead, please immediately contact your family physician or the Genesee County Health Department at 810-257-3833. Children six and under are eligible for free lead tests at the Genesee County Health Department, including without health insurance.

Flint residents can filter their tap water by obtaining a lead-clearing filter certified to meet National Sanitation Foundation (NSF) Standard 53 for lead. For more information, the Genesee County Health Department has set up a filter distribution hotline at 810-257-2158.

The Genesee County Health Department has issued the following tips about how to limit your exposure to lead in your water. For more information on understanding the health defects that can result from lead contamination and ways to limit its effects on you and your family, please read the brochure here. However, a selection of their suggestions is included below.

From the Genesee County Health Department: What can I do to reduce or eliminate lead in my tap water?

- *Flush your cold-water pipes by running the water for approximately 5 minutes. The longer the water has been sitting in the pipes, the more lead it may contain.*
- *You can fill containers for later use, after the flushing process.*

- *Use only water from the cold-water tap for drinking, cooking, and especially for making baby formula. Hot water is likely to contain higher levels because it dissolves more lead.*
- *You may choose to install a water filter that is NSF-certified for lead removal.*
- *If a water filter is installed, replace filters at least as often as recommended by the manufacturer.*
- *Buy a lead-free faucet.*
- *The legal definition of "lead-free" still allows brass faucets to contain up to 8 percent lead. However, faucets marked with "NSF 61/9" and/or "California Proposition 65" meet stricter limits.*
- *Regularly clean particles from faucet aerators.*

Sincerely,

Dan Kildee

Washington D.C. Office
227 Cannon HOB
Washington, DC 20515
Phone: (202) 225-3611
Hours: 9:00 a.m. - 6:00 p.m.

District Office
111 East Court St. #3B
Flint, MI 48502
Phone: (810) 238-3527
Hours: 9:00 a.m. - 5:00 p.m.

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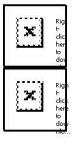


From: [redacted]
Sent: Saturday, December 19, 2015 4:56 PM
Subject: The Children of Flint have been poisoned due to Rick Snyder's "truly unbelievable reckless radicalism"

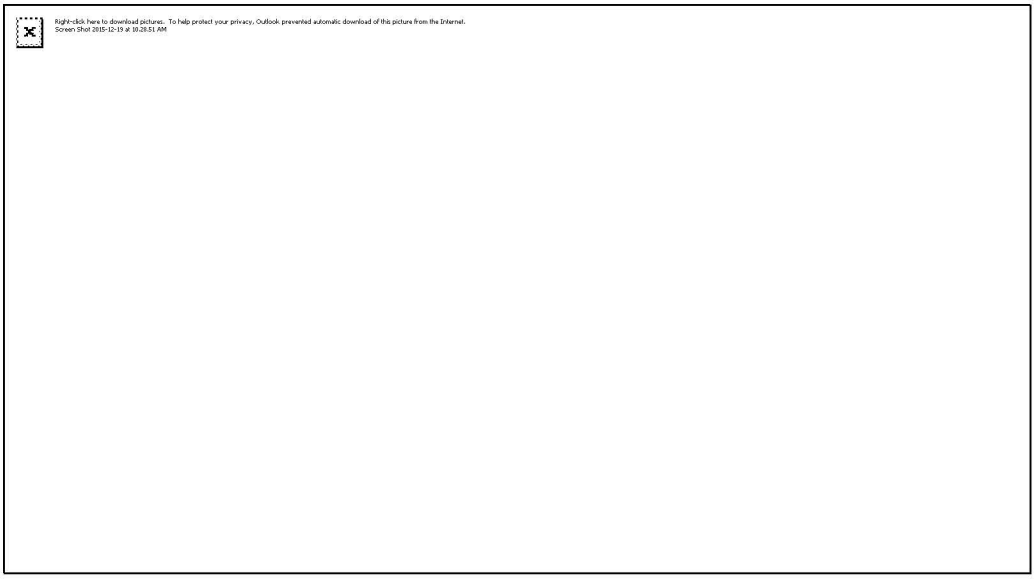
The Children of Flint have been poisoned due to Rick Snyder's "truly unbelievable, reckless radicalism"

By LOLGOP on December 19, 2015 in Rick Snyder, Emergency Manager Law, Emergency Managers, Flint

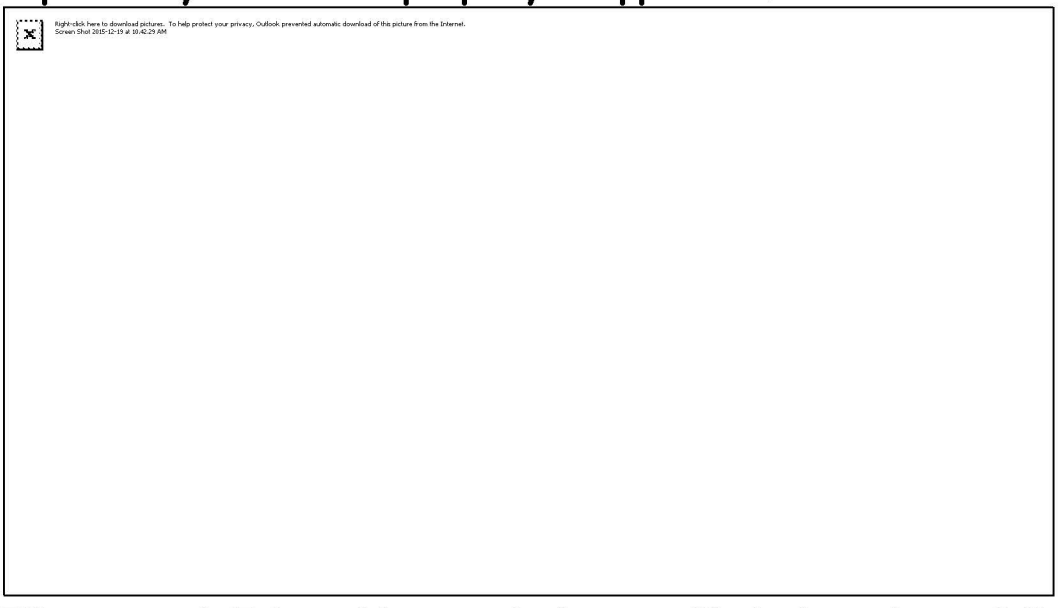
The Flint water crisis was declared a state of emergency by Mayor Karen Weaver this week — something we've known for months. But much of the nation still has no idea what has been perpetrated against the people of this battered city.

One person is trying to change that.

"Governor, the water of the city of Flint, Michigan has been poisoned," MSNBC's Rachel Maddow explained on Friday night in an 18-minute segment that connects the crime that has been committed against the people of Flint to the undemocratic hijacking of local governments through the Emergency Manager law(s), which she calls "truly unbelievable, reckless radicalism," and the gross incompetence of both the emergency managers and the man who appointed them — Governor Rick Snyder.



In trying to explain the reluctance of the national media to cover the lead poisoning of Flint, Maddow made analogy to personal health. People want to see lead as long-term infrastructure problem, like the inevitable result of a bad diet and exercise when what's really happened is much more brutal and inexcusable. "This is the personal health equivalent of having been shot," Maddow said. "This is not something that went bad over a long period of time. This is… they flipped a switch to turn off one spigot last April and turn on a different spigot. And the spigot they turned on *poisoned* the kids. The kids of Flint, Michigan have been poisoned by a policy decision. All at once, the town has been poisoned, under your watch, Governor through the actions and in-actions of people who report to you and the people you appointed."



If you read *Eclectablog* regularly, you likely have been following the slow-motion disaster in Flint. But Rachel Maddow has finally put it together in a way that the nation needs to see now. Please share this video.

Sent from a Rotary Dial, Wall Mounted Ma Bell Telephone

[redacted]

-----Original Message-----
From: Eclectablog <chris@eclectablog.com>
To: chris <chris@eclectablog.com>
Sent: Sat, Dec 19, 2015 10:49 am
Subject: [Eclectablog] The kids of Flint have been poisoned due to Rick Snyder's "truly unbelievable reckless radicalism"

LOLGOP has posted a new item, 'The kids of Flint have been poisoned due to Rick
Snyder's "truly unbelievable reckless radicalism"', at Eclectablog

You may view the latest post at
http://www.eclectablog.com/2015/12/the-kids-of-flint-have-been-poisoned-due-to-rick-snyders-truly-unbelievable-reckless-radicalism.html

You received this e-mail because you asked to be notified when new updates are posted.

Best regards,
Eclectablog
chris@eclectablog.com

P.S. If you wish to unsubscribe at any time, please go to http://www.eclectablog.com/subscribeunsubscribe-to-post-notification-emails. If you have any problems with this, feel free to email me directly at chris@eclectablog.com or reply to this email, putting the word "UNSUBSCRIBE" in
the body of your email.

From: [redacted]
Sent: Saturday, December 19, 2015 4:56 PM
Subject: The Children of Flint have been poisoned due to Rick Snyder's "truly unbelievable reckless radicalism"

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By LOLGOP on December 19, 2015 in Rick Snyder, Emergency Manager Law, Emergency Managers, Flint

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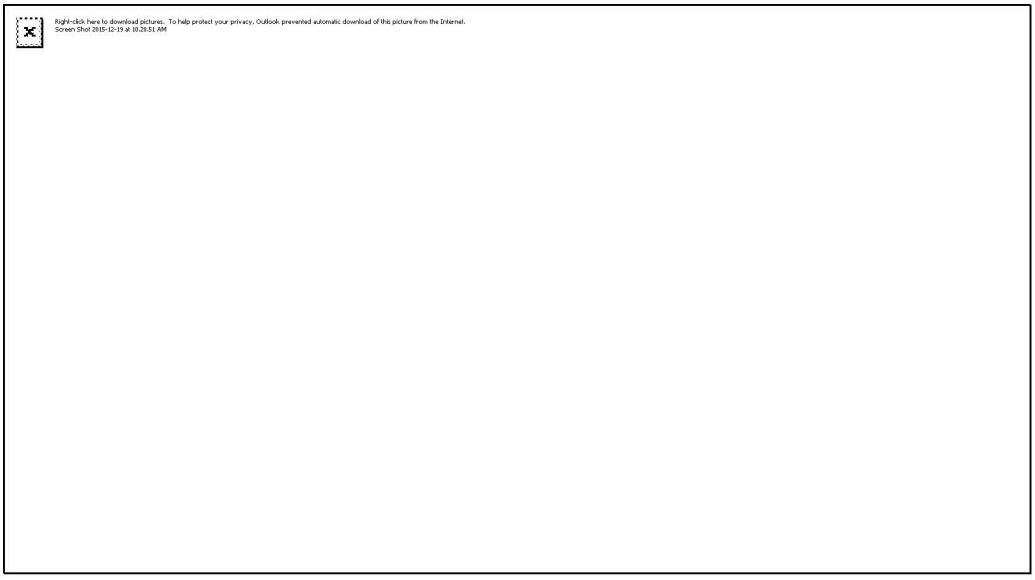

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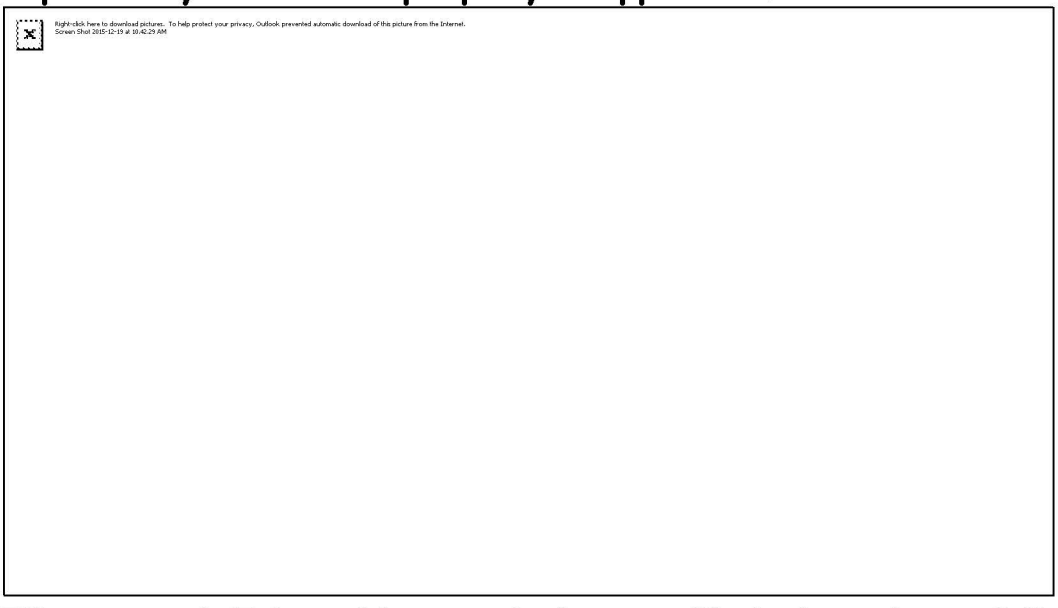

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You received this e-mail because you asked to be notified when new updates are posted.

Best regards,
Eclectablog
chris@eclectablog.com

P.S. If you wish to unsubscribe at any time, please go to http://www.eclectablog.com/subscribeunsubscribe-to-post-notification-emails. If you have any problems with this, feel free to email me directly at chris@eclectablog.com or reply to this email, putting the word "UNSUBSCRIBE" in
the body of your email.

From: Emmitt, Beth (GOV)
Sent: Wednesday, October 07, 2015 5:44 PM
To: Dickinson, Sarah (GOV)
Subject: Fwd: Cong. Kildee Response to Gov. Snyder Letter
Attachments: image001.gif; ATT00001.htm; image002.gif; ATT00002.htm; image003.jpg; ATT00003.htm; ATT00004.htm; 100715 Response to 100215 Snyder Letter.pdf; ATT00005.htm; 09-22-15 Kildee Requesting Temporary Assistance for Lead in Flint Water.pdf; ATT00006.htm; 03-27-15 - SRF Loan Forgiveness for Flint - EPA (McCarthy).pdf; ATT00007.htm

Sorry. I have one more piece too

Begin forwarded message:

From: "Dickinson, Jordan" <Jordan.Dickinson@mail.house.gov>
Date: October 7, 2015 at 5:37:49 PM EDT
To: "browne15@michigan.gov" <browne15@michigan.gov>, "Mcbride, Bill (GOV) (mcbrideb@michigan.gov)" <mcbrideb@michigan.gov>, "Wurfelb@michigan.gov" <Wurfelb@michigan.gov>, "PalloneM@michigan.gov" <PalloneM@michigan.gov>, "Murray, David (GOV) (MurrayD1@michigan.gov)" <MurrayD1@michigan.gov>, "emmittb@michigan.gov" <emmittb@michigan.gov>
Subject: Cong. Kildee Response to Gov. Snyder Letter

Hi Everyone,

Please see the attached letter to Governor Snyder. Can you make sure he sees it? Congressman Kildee is looking forward to the call with Governor Snyder tomorrow to hear updates on the Flint water emergency.

Thank you,

Jordan Dickinson
Legislative Assistant
Congressman Dan Kildee (MI-05)
227 Cannon House Office Building
Washington, D.C. 20515
Phone: (202) 225-3611
www.dankildee.house.gov

DANIEL T. KILDEE
5TH DISTRICT, MICHIGAN

COMMITTEE ON
FINANCIAL SERVICES

SUBCOMMITTEE ON
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111 EAST COURT STREET #3B
FLINT, MI 48502
(810) 238-8627
(810) 238-8658 (FAX)

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/REPDANKILDEE
@REPDANKILDEE

October 7, 2015

Governor Rick Snyder
Executive Office of the Governor
P.O. Box 30013
Lansing, Michigan 48909

Governor Snyder,

Thank you for your letter on October 2, 2015, regarding the state of Michigan's plans to respond to the crisis regarding the drinking water in Flint, Mich. I encourage you to immediately implement the action plan outlined so that Flint residents can have safe drinking water.

Moreover, you asked for my assistance in working with federal agencies to address this issue. Due to the urgent nature of this issue, I want to update you that my staff and I are working closely with Senators Stabenow and Peters and have been in communication with the appropriate agencies. I will continue to do everything I can to help address this issue at the federal level.

On September 22, 2015, I previously wrote letters to the U.S. Environmental Protection Agency, Department of Health and Human Services, Centers for Disease Control and Federal Emergency Management Agency requesting immediate assistance to provide safe drinking water to Flint.

In addition, on March 26, 2015, I sent a letter to the U.S. Environmental Protection Agency asking them to clarify if there is any statutory limitation on states to forgive the principal on loans made through the Safe Drinking Water State Revolving Fund.

Again, thank you for beginning to utilize your office's resources to help address the water quality in Flint. I look forward to working with you on the shared goal of helping the residents of Flint have safe drinking water.

Sincerely,

Dan Kildee
MEMBER OF CONGRESS

DANIEL T. KILDEE
5TH DISTRICT, MICHIGAN

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@REPDANKILDEE

September 22, 2015

Secretary Sylvia Matthews Burwell
U.S. Department of Health & Human Services
HHS Office of the Secretary
200 Independence Avenue, S.W.
Washington, DC 20201

Administrator William Craig Fugate
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472

Administrator Gina McCarthy
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Director Tom Frieden
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Secretary Burwell, Administrator McCarthy, Administrator Fugate and Director Frieden:

Recent developments regarding the level of lead in the water in one of the communities I represent, Flint, Mich., have raised significant concerns about the safety of its drinking water. For this reason, I am requesting immediate resources to provide safe drinking water to the residents of Flint until additional testing can be completed that confirms the water is safe, particularly for young children.

Although the city of Flint and the Michigan Department of Environmental Quality have conducted tests and taken the position that the lead level in the water is safe and below the action level, there are significant questions about the efficacy of their testing. In fact, Dr. Marc Edwards of Virginia Tech University, an established drinking water expert, conducted his own tests as part of a study that determined the water in Flint was above the lead action level.

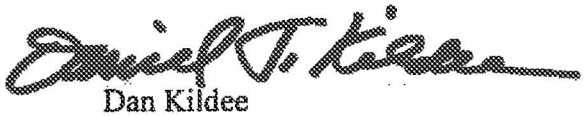
Additionally, yesterday the Greater Flint Health Coalition, a group of health professionals in the community, released a report showing elevated blood lead levels in residents in Flint, particularly in young children. In response, the Coalition has requested that the Genesee County Health Department release a health advisory indicating that the water in Flint is unsafe to drink.

Thus, I am requesting resources from your agency to provide clean drinking water to the residents of Flint until additional testing can determine when the water will be safe to drink and a long-term solution can be implemented.

This is a serious health issue, particularly for young children, and until the water is demonstrated to be safe, immediate action must be taken to ensure Flint's residents have potable drinking water.

I look forward to working with you and thank you for your immediate attention.

Sincerely,



Dan Kildee
MEMBER OF CONGRESS

DANIEL T. KILDEE
5TH DISTRICT, MICHIGAN

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801 SOUTH SAGINAW STREET
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(810) 239-8658 (FAX)

March 26, 2015

Ms. Gina McCarthy
Administrator, Environmental Protection Agency
1101 A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

My office has reached out to both the Office of Congressional and Intergovernmental Relations at the Environmental Protection Agency (EPA) and the Congressional Research Service (CRS) to determine if there are any statutory limitations on states to forgive the principal on loans made through the Safe Drinking Water State Revolving Fund (SDWSRF) program. After talking to both of these offices, there seems to be a difference in legal opinion between the two interpretations as to whether forgiveness of principal is statutorily allowed, and I am requesting further clarification.

The City of Flint, Mich., located in my district, continues to endure prolonged and severe financial stress due to the loss of thousands of manufacturing jobs, resulting in population loss and an erosion of its tax base. In an effort to improve the city's financial stability, Flint decided to end its 50-plus-year affiliation with the City of Detroit Water and Sewage Department in April of 2013. Instead, Flint would become a partner in the Karegnondi Water Authority (KWA) to bring raw water from Lake Huron to the city.

The water contract between the City of Detroit Water and Sewage Department and Flint was terminated in May of 2014.The KWA, however, will not be able to provide water to the city until its pipeline from Flint to Lake Huron is completed at the end of 2016. To fill the gap in service until the KWA is completed, Flint has turned to the Flint River as its current source for raw water. The Flint River has proven to have an inconsistent quality because of high levels of organic matter. Flint water officials have used high levels of trihalomethanes to treat the occasional elevated levels of organic matter in the water. On December 16, 2014, the Michigan Department of Environmental Quality cited the city for being in violation of water standards determined by the Safe Drinking Water Act (SDWA) due to high levels of trihalomethanes. In accordance with the SDWA, a cautionary notice about the citation was subsequently sent to residents.

Since its citation, Flint has engaged local and state leaders to find a solution for the poor quality of the water. On February 3, 2015, the state gave the city close to $2 million to hire consultants to assess the condition and find leaks in the water infrastructure system. While this funding is a step in the right direction, it is not nearly enough to significantly improve the water quality.

This background on Flint's water situation is to point out that the SDWA is intended to improve drinking water in America's cities, such as Flint, by creating water quality standards and funding the SDWSRF to invest in water infrastructure. In addition to the high levels of trihalomethanes, the poor condition of water infrastructure in Flint, regardless of the water's source, contributes to discolored and poor tasting water. Furthermore, Flint currently suffers an over 35 percent loss ratio of water between the treatment plant and the end user. In the past, Flint has benefitted from the SDWSRF and currently has close to $22 million in outstanding loans from it that the city has used to repair the water system. The financial stress of making payments on these loans, however, has prevented the city from making the necessary ongoing investments to its water infrastructure.

To decrease the burden of these loans, on January 18, 2015, Flint requested that the state of Michigan, as the responsible party in appropriating funds from the SDWSRF to local governments, forgive part of the principal. The state responded that forgiving the principal is not an option as the state does not have the authority to do so.

In response to the state's reply, on February 10, 2015, my staff reached out to the Office of Congressional and Intergovernmental Relations at the EPA to ask if they were aware of any statutory language that prevents principal forgiveness of loans made under the SDWSRF. On February 25, 2015, the EPA responded that they "could find … no provision that would allow a state to [forgive an existing loan made from a Safe Drinking Water Act state revolving fund]."

On February 23, 2015, my staff also reached out to the CRS for their legal opinion on this matter. Although they could not find any precedent for doing so, the CRS did find two instances in statute that, in their opinion, allows states to forgive the principal on loans made through the SDWSRF.

First, SDWA sec. 1452(d)(1), 42 USC 300j-12(d)(1), states – "Notwithstanding any other provision of this section, in any case in which the State makes a loan pursuant to subsection (a)(2) of this section to a disadvantaged community … , the State may provide additional subsidization (including forgiveness of principal)."

Second, the Consolidated and Further Continuing Appropriations Act, 2015, Pub. Law 113-235, states on page 296 – "Provided further, [t]hat not less than 20 percent but not more than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act; …."

The difference in opinion between EPA and CRS has created ambiguity for the affected parties. The ability of states to forgive portions of the principal on loans made through the SDWSRF could have a significant impact on the financial state of Flint and many other distressed municipalities across the county. I would appreciate clarification from you on what, according to EPA's interpretation of the law, statutorily prevents states from forgiving the principal on loans made under the SDWSRF.

Due to critical nature of the water quality in Flint and the impact that loan forgiveness could have on improving the quality of the water, I ask for your prompt attention to this matter.

Sincerely,

Dan Kildee
MEMBER OF CONGRESS

cc:
Cathy Davis, EPA
Eileen Deamer, EPA
Robert Meltz, CRS

From: Brader, Valerie (GOV)
Sent: Tuesday, October 14, 2014 3:30 PM
To: Muchmore, Dennis (GOV); Gadola, Michael (GOV); Agen, Jarrod (GOV); Clement, Elizabeth (GOV)
Subject: Flint water

As you know there have been problems with the Flint water quality since they left the DWSD system, which was a decision by the emergency manager there. Specifically, there has been a boil water order due to bacterial contamination. What is not yet broadly known is that attempts to fix that have led to some levels of chlorine-related chemicals that can cause long-term damage if not remedied (though we believe they will remedy them before any damage would occur in the population). Now apparently the reduced quality is causing GM to leave due to rusted parts.

I am fairly sure that GM's departure now means the economic rationale for Flint leaving DWSD in the interim while the new intake is constructed has just been eliminated. Moreover, our DEQ has been working with Flint's team to try to address the technical problem, but doing a blend of DWSD water and Flint water, or going back altogether for a year or two while the new lake intake is constructed, have not really been solutions on the table.

Now we are getting comments about being lab rats in the media, which are going to be exacerbated when it comes out that after the boil water order, there were chemicals in the water that exceeded health-based water quality standards. I think we should ask the EM to consider coming back to the Detroit system in full or in part as an interim solution to both the quality, and now the financial, problems that the current solution is causing. That additional revenue would also help DWSD, obviously, and the infrastructure is already in place, so this could be implemented quickly. I am not sure who is the best person to initiate that conversation with the EM, but I see this as an urgent matter to fix.

--Valerie

P.S. Note:I have not copied DEQ on this message for FOIA reasons. I have sent them the below message from the Senator's office and had conversations with them re making sure to brief the EM directly on the water quality issues.

From: Bryanna McGarry [BMcGarry@senate.michigan.gov]
Sent: Tuesday, October 14, 2014 12:45 PM
To: Brader, Valerie (GOV)
Cc: Tom Lenard (tomlenard@jimananich.com); Sean Walser; [redacted]
Subject: GM's decision to stop using Flint River water will cost Flint $400,000 per year

Hi Valerie,

Hope you're doing well. Senator Ananich asked me to forward you this article about GM's decision to stop using Flint River water: http://www.mlive.com/news/flint/index.ssf/2014/10/gms_decision_to_stop_using_fli.html. He mentioned he'd had a conversation with you about Flint's water issues and just wanted to ensure you saw the latest.

Thanks! Have a wonderful afternoon. :)

Best,

Bryanna

--
Bryanna McGarry, MSW
Legislative Director
State Senator Jim Ananich
District 27

517-373-5133

From: Gadola, Michael (GOV)
Sent: Tuesday, October 14, 2014 3:42 PM
To: Brader, Valerie (GOV); Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Clement, Elizabeth (GOV)
Subject: RE: Flint water

Good gravy. First, just to clarify, when Valerie says GM is leaving, she means leaving the Flint water system, not abandoning the City altogether.

Second, to anyone who grew up in Flint as I did, the notion that I would be getting my drinking water from the Flint River is downright scary. Too bad the EM didn't ask me what I thought, though I'm sure he heard it from plenty of others. My Mom is a City resident. Nice to know she's drinking water with elevated chlorine levels and fecal coliform.

I agree with Valerie. They should try to get back on the Detroit system as a stopgap ASAP before this thing gets too far out of control.

From: Brader, Valerie (GOV)
Sent: Tuesday, October 14, 2014 3:30 PM
To: Muchmore, Dennis (GOV); Gadola, Michael (GOV); Agen, Jarrod (GOV); Clement, Elizabeth (GOV)
Subject: Flint water

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To: Brader, Valerie (GOV)
Cc: Tom Lenard (tomlenard@jimananich.com); Sean Walser; [redacted]
Subject: GM's decision to stop using Flint River water will cost Flint $400,000 per year

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Thanks! Have a wonderful afternoon. :)

Best,

Bryanna

--
Bryanna McGarry, MSW
Legislative Director
State Senator Jim Ananich
District 27
517-373-5133

From: Scott, Allison (GOV)
Sent: Monday, January 04, 2016 4:24 PM
To: Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Baird, Richard (GOV); Hollins, Harvey (GOV)
Subject: FW: Additional Steps for Flint

fyi

From: Rep. Sheldon Neeley (District 34) [mailto:SheldonNeeley@house.mi.gov]
Sent: Monday, January 04, 2016 2:24 PM
To: GovernorsOffice <[redacted]>; Snyder, Rick (GOV) <[redacted]>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>
Subject: Additional Steps for Flint

Governor Snyder,

In the interest of being sensitive to the unforeseen problems that will affect children of this Flint Water Crisis, I am formally requesting you to forgive the debt balance currently imposed on the Flint Community Schools. I make this request because this school district will have the majority burden of addressing issues relating to the lead intrusion into the blood of children in this school system. There will be untold problems for years to come that will require an already overwhelmed school district to be required to meet the needs of these children who are victims of this disaster.

Respectfully,

Sheldon Neeley
State Representative
34th District

From: Hollins, Harvey (GOV)
Sent: Monday, January 04, 2016 6:00 PM
To: Scott, Allison (GOV)
Cc: Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Baird, Richard (GOV)
Subject: Re: Additional Steps for Flint

Is anyone surprised by this??

On Jan 4, 2016, at 4:24 PM, Scott, Allison (GOV) <scotta12@michigan.gov> wrote:

fyi

From: Rep. Sheldon Neeley (District 34) [mailto:SheldonNeeley@house.mi.gov]
Sent: Monday, January 04, 2016 2:24 PM
To: GovernorsOffice <[redacted] Snyder, Rick (GOV)
<[redacted]; Muchmore, Dennis (GOV) <muchmored@michigan.gov>
Subject: Additional Steps for Flint

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Respectfully,

Sheldon Neeley
State Representative
34th District

From: Scott, Allison (GOV)
Sent: Monday, January 04, 2016 6:25 PM
To: Hollins, Harvey (GOV)
Cc: Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Baird, Richard (GOV)
Subject: Re: Additional Steps for Flint

Yes. Got it this afternoon

Sent from my iPhone

On Jan 4, 2016, at 6:00 PM, Hollins, Harvey (GOV) <hollinsh@michigan.gov> wrote:

> Is anyone surprised by this??
>
> On Jan 4, 2016, at 4:24 PM, Scott, Allison (GOV) <scotta12@michigan.gov> wrote:
>
> > fyi
> >
> > **From:** Rep. Sheldon Neeley (District 34) [mailto:SheldonNeeley@house.mi.gov]
> > **Sent:** Monday, January 04, 2016 2:24 PM
> > **To:** GovernorsOffice <[redacted]; Snyder, Rick (GOV) [redacted]; Muchmore, Dennis (GOV) <muchmored@michigan.gov>
> > **Subject:** Additional Steps for Flint
> >
> > Governor Snyder,
> >
> > In the interest of being sensitive to the unforeseen problems that will affect children of this Flint Water Crisis, I am formally requesting you to forgive the debt balance currently imposed on the Flint Community Schools. I make this request because this school district will have the majority burden of addressing issues relating to the lead intrusion into the blood of children in this school system. There will be untold problems for years to come that will require an already overwhelmed school district to be required to meet the needs of these children who are victims of this disaster.
> >
> > Respectfully,
> >
> > Sheldon Neeley
> > State Representative
> > 34th District

From: Muchmore, Dennis (GOV)
Sent: Tuesday, January 05, 2016 8:22 AM
To: Agen, Jarrod (GOV); Clement, Elizabeth (GOV); Baird, Richard (GOV)
Subject: FW: Additional Steps for Flint

This is the problem when we get too far out on a limb in Flint or anywhere else for that matter.

From: Rep. Sheldon Neeley (District 34) [mailto:SheldonNeeley@house.mi.gov]
Sent: Monday, January 4, 2016 2:24 PM
To: GovernorsOffice <[redacted]>; Snyder, Rick (GOV) <[redacted] Muchmore, Dennis (GOV) <muchmored@michigan.gov>
Subject: Additional Steps for Flint

Governor Snyder,

In the interest of being sensitive to the unforeseen problems that will affect children of this Flint Water Crisis, I am formally requesting you to forgive the debt balance currently imposed on the Flint Community Schools. I make this request because this school district will have the majority burden of addressing issues relating to the lead intrusion into the blood of children in this school system. There will be untold problems for years to come that will require an already overwhelmed school district to be required to meet the needs of these children who are victims of this disaster.

Respectfully,

Sheldon Neeley
State Representative
34th District

From: Wisniewski, Wendy (GOV)
Sent: Thursday, January 29, 2015 4:55 PM
To: Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Saxton, Thomas (Treasury)
Cc: Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Rospond, Laurie (GOV)
Subject: FW: Letter of Appeal for Flint
Attachments: Neeley Letter to the Governor 01-29-15.pdf

Importance: High

FYI

From: Rep. Sheldon Neeley (District 34) [mailto:SheldonNeeley@house.mi.gov]
Sent: Thursday, January 29, 2015 4:02 PM
To: GovernorsOffice
Cc: Posthumus, Dick (GOV); Muchmore, Dennis (GOV); Clyde Edwards; Kiesha Speech
Subject: Letter of Appeal for Flint
Importance: High

Dear Gov. Snyder,
Please find attached my letter of appeal to your office concerning the City of Flint, a place I proudly call home, and now proudly represent as its State Legislator. I look forward to meaningful discussions regarding solutions to the problems that my community now faces, and appreciate a timely response from your office.

For the Love of the Community,

Sheldon Neeley, State Representative
34th District - Flint
N-798 House Office Building
P. O. Box 30014
Lansing, MI 48909
Office: (517) 373-8808
Toll Free: (844) 4-NEELEY
FAX: (517) 373-5997
E-mail: sheldonneeley@house.mi.gov
Web: http://neeley.housedems.com

34TH DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514
PHONE: (517) 373-8808
FAX: (517) 373-5897
E-MAIL: sheldonneeley@house.mi.gov

MICHIGAN HOUSE OF REPRESENTATIVES

SHELDON A. NEELEY

STATE REPRESENTATIVE

January 29, 2015

Honorable Rick Snyder, Governor
State of Michigan

Dear Gov. Snyder,

With the dawn of a new beginning in our state, the city of Flint stands on the precipice of civil unrest. This letter comes as an appeal to your office concerning this proud Michigan community and recent discussions pertaining to Flint's water distribution and management strategies for both present and future operations. Flint has had a long history concerning the implementation of water practices and financial management of its water assets. Our present journey has caused us to take a closer look at our 80-year-old infrastructure and examine a difficult position where we must correct some past and even present challenges, one of which is affecting the people of my community to the point of a fervor over something as simple as drinking clean water.

As we engage these challenges, Flint must revisit the present water revolving loan plans to determine how these current funding obligations will affect water delivery and asset development for the future. It is clear that no significant improvements can be obtained without some supportive concessions. Therefore, I am requesting on behalf of the 34th District, which contains a portion of the city of Flint, for you to consider an executive decision to forgive (in-total or part) Flint's water fund loan balances of $20,770,336 so that we may effectively apply those funds to rebuilding the city's infrastructure, to competitively obtain highly qualified personnel and provide a more cost effective water delivery system. I understand there has been many requests made of your office to resolve this very serious issue, but this approach will best safeguard the health and welfare of the residents of Flint as well as minimize the potential for litigation against the city of Flint and/or the state of Michigan.

With a cost-effective water delivery system, we will be able to improve our system in the following ways: upgrade wastewater treatment processes, improve safe drinking water upgrades, and maintain and sustain a water system that provides a better quality of water product to the citizens of Flint.

Recycled Paper

It is imperative that this issue be addressed in some way on the state level. Residents of Flint are already finding themselves forced to take drastic measures simply to have clean drinking water.

Community health could be on the decline as citizens become afraid to even shower or bathe in their homes. The people of Flint bring bottles of brown water full of sediment and other foreign substances to community meetings, asking only to be treated as human beings. That is all I am asking of you - to see the suffering and anger from the people in one of Michigan's municipalities and understand that there is a need to react and respond to this crisis.

With the beginning of a new year to work toward a better Michigan, my office is ready to have discussions on this request and other planning that works to improve OUR Michigan. I sincerely thank you in advance for your consideration on this matter.

For the Love of the Community,

Sheldon A. Neeley, State Representative
34th District

CC: Dennis Muchmore
Dick Posthumus

From: Walsh, John (GOV)
Sent: Thursday, January 29, 2015 5:09 PM
To: Wisniewski, Wendy (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Saxton, Thomas (Treasury)
Cc: Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Rospond, Laurie (GOV); Agen, Jarrod (GOV); Brownfield, Michael (GOV)
Subject: RE: Letter of Appeal for Flint

We can work with the Legislative staff and prepare a response. Please note that Flint will be a recipient of $2 million in awards under the Financially Distressed Cities and Townships program - $900,000 for water and $1.1 million for the incinerator. This has not been announced publicly – Treasury will be circulating internally their overall recommendations late this afternoon or tomorrow morning. We can coordinate how this information might be disseminated with Comms to assist with our messaging in Flint (I added Jarrod to this email chain).

From: Wisniewski, Wendy (GOV)
Sent: Thursday, January 29, 2015 4:55 PM
To: Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Saxton, Thomas (Treasury)
Cc: Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Rospond, Laurie (GOV)
Subject: FW: Letter of Appeal for Flint
Importance: High

FYI

From: Rep. Sheldon Neeley (District 34) [mailto:SheldonNeeley@house.mi.gov]
Sent: Thursday, January 29, 2015 4:02 PM
To: GovernorsOffice
Cc: Posthumus, Dick (GOV); Muchmore, Dennis (GOV); Clyde Edwards; Kiesha Speech
Subject: Letter of Appeal for Flint
Importance: High

Dear Gov. Snyder,
Please find attached my letter of appeal to your office concerning the City of Flint, a place I proudly call home, and now proudly represent as its State Legislator. I look forward to meaningful discussions regarding solutions to the problems that my community now faces, and appreciate a timely response from your office.

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P. O. Box 30014
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Office: (517) 373-8808
Toll Free: (844) 4-NEELEY
FAX: (517) 373-5997
E-mail: sheldonneeley@house.mi.gov
Web: http://neeley.housedems.com

From: Muchmore, Dennis (GOV)
Sent: Thursday, January 29, 2015 6:48 PM
To: Walsh, John (GOV); Wisniewski, Wendy (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV)
Cc: Posthumus, Dick (GOV); Rospond, Laurie (GOV); Agen, Jarrod (GOV); Brownfield, Michael (GOV)
Subject: RE: Letter of Appeal for Flint

I suggested to Dave Murray that he get a confirmation from John Roberts that the money is indeed available to be distributed just for confirmation sake. We've all been around enough of these to make sure our i's are dotted and t's crossed before we go out publicly.

From: Walsh, John (GOV)
Sent: Thursday, January 29, 2015 5:09 PM
To: Wisniewski, Wendy (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Saxton, Thomas (Treasury)
Cc: Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Rospond, Laurie (GOV); Agen, Jarrod (GOV); Brownfield, Michael (GOV)
Subject: RE: Letter of Appeal for Flint

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From: Wisniewski, Wendy (GOV)
Sent: Thursday, January 29, 2015 4:55 PM
To: Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Saxton, Thomas (Treasury)
Cc: Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Rospond, Laurie (GOV)
Subject: FW: Letter of Appeal for Flint
Importance: High

FYI

From: Rep. Sheldon Neeley (District 34) [mailto:SheldonNeeley@house.mi.gov]
Sent: Thursday, January 29, 2015 4:02 PM
To: GovernorsOffice
Cc: Posthumus, Dick (GOV); Muchmore, Dennis (GOV); Clyde Edwards; Kiesha Speech
Subject: Letter of Appeal for Flint
Importance: High

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Toll Free: (844) 4-NEELEY
FAX: (517) 373-5997
E-mail: sheldonneeley@house.mi.gov
Web: http://neeley.housedems.com

From: Howard Croft <hcroft@cityofflint.com>
Sent: Thursday, July 09, 2015 10:33 AM
To: Aaron Dionne; Amy Hovey; Brennan Elm Park Senior Community Corporation; Carma Lewis; catherine.sheppard; cbruett; Chris Zuwala; City Of Flint; Clarence Pierce; Clayton, Stacie (GOV); connie.russell; crmcclinton; ctomm; Diana Phillips; dpmgt; flintfreedom_fund; Florlisa Stebbins; gla; Jack Stock; Jackie Poplar; James Henry; Jamie Gaskin; Janet Van De Winkle; Jason Caya; jcurtis; jiking155; jmanse; John Waddell; johnsonreid; jwright@co.genesee.mi.us; kboles@valleyaaa.org; Kevin J. Keane; kevin.roach; khamlet; kittle.robert; kroddy; LaMonica Harris; Laura Sullivan; lisa.poma; LWatkins@flintschools.org; mcarnevale; mddst; Megan Hunter; Melissa Mays; Mike Sargent; mmelenbrink; Montel Menifee; nkopek; Norb Birchmeier; Pete Levine; rcarter; Rebecca Fedewa; repphelps@house.mi.gov; revalharris1; rstanley; Russell Hudson; sborrego; sheldonneeley; suptmarshall; Tony Martin; William Hammond
Cc: Michael Glasgow; Elizabeth Murphy
Subject: Water Quality Update

Water Advisory Committee,

Several months have passed since our last meeting and I am writing to update everyone on the most recent events surrounding water and our future plans.

The highly recommended Granulated Activated Carbon installation has started this week and is expected to be in use very soon. This filter change has been recognized by a range of experts as having a significant impact on water quality and should ensure good test results in our August testing cycle subsequently removing the City from Violation status.

In addition to the filter change, many of our other initiatives are either completed or are in motion.

1. We now have an easy to locate webpage dedicated to water that provides recent and past information to the public and helps to maintain transparency. This can be found at the City of Flint website under the heading RESIDENTS and then WATER.

2. We increased our normal valve testing fivefold and have now identified where the majority of inoperable valves are located throughout the City.

3. A system wide leak detection process has been approved and is scheduled to start in August and is expected to take 10 – 14 weeks to complete.

4. The contract has been signed to replace residential water meters citywide and this process will begin in early August.

5. Chemical dosing and jar testing has continued which has allowed us to monitor and respond to changing conditions with increased accuracy.

6. Our hydraulic model continues to be populated with data and will be a useful tool in helping to pinpoint irregularities within the system.

7. We have maintained a close relationship with the schools and hospitals in order to support all residential questions and concerns.

8. We continue to offer free water tests to anyone requesting this service – please contact us via email at or phone 810-787-6537.

These initiatives are a portion of the increased efforts to provide quality water and to enhance our transparency and customer service.

Please let us know if you are interested in meeting or participating in small groups of six to eight people to visit the Treatment Plant with the opportunity to ask any questions of our staff. If you are interested in being a part of a scheduled visit please respond to me via email and we will work to make the arrangements.

Please visit the City website frequently for updated information and we look forward to our next correspondence with everyone.

Thank you,
--
Howard Croft
Public Works Director
City of Flint
1101 S. Saginaw Street
Flint, MI 48502
PH# 810.766.7135 [redacted]
hcroft@cityofflint.com

From: Howard Croft <hcroft@cityofflint.com>
Sent: Monday, September 28, 2015 3:54 PM
To: Aaron Dionne; Amy Hovey; Brennan Elm Park Senior Community Corporation; Carma Lewis; catherine.sheppard; cbruett; Chris Zuwala; City Of Flint; Clarence Pierce; Clayton, Stacie (GOV); connie.russell; crmcclinton; ctomm; Diana Phillips; dpmgt; flintfreedom_fund; Florlisa Stebbins; gla; Jack Stock; Jackie Poplar; James Henry; Jamie Gaskin; Janet Van De Winkle; Jason Caya; jcurtis; jiking155; jmanse; John Waddell; johnsonreid; jwright@co.genesee.mi.us; kboles@valleyaaa.org; Kevin J. Keane; kevin.roach; khamlet; kittle.robert; kroddy; LaMonica Harris; Laura Sullivan; lisa.poma; mcarnevale; mddst; Melissa Mays; Mike Sargent; mmelenbrink; Montel Menifee; nkopek; Norb Birchmeier; rcarter; Rebecca Fedewa; repphelps@house.mi.gov; revalharris1; rstanley; Russell Hudson; sborrego; sheldonneeley; suptmarshall; Tony Martin; William Hammond; Elizabeth Murphy
Cc: Michael Glasgow; Brent Wright; Jason Lorenz; schock.michael@epa.gov; lytle.darren@epa.gov; Prysby, Mike (DEQ); Marc Edwards; Robert Bincsik
Subject: Re: Citizen Advisory Team Update
Attachments: Lead Advisory Release.pdf; GCHD Lead in Water Fact Sheet.pdf

All,

As a follow up to the previous email I am forwarding a copy of the Lead Advisory that was issued by the City last week along with a "Lead in Water Fact Sheet" from the Health Department.
We will continue to disseminate releases and information through this email list as it becomes available.

Thank you ,

On Mon, Sep 28, 2015 at 11:19 AM, Howard Croft <hcroft@cityofflint.com> wrote:

Dear Citizen Advisory Committee,

It has been some time since our last **citizen** advisory team meeting and we wanted to reach out at this time to those of you who were part of this committee and provide you direct information.

It was encouraging for us to successfully install the recommended Granulated Activated Carbon which led to the City being compliant with the Safe Drinking Water Act but we are now facing questions surrounding the amount of lead that is leaching into drinking water through plumbing and service lines in certain homes. A significant aspect of lead in drinking water is the public education that gives everyone a clear and proper understanding of how this occurs and what are the avenues to reduce the risk.

As we consider when it may be beneficial to reconvene another community meeting, we want to extend to everyone the opportunity to provide input, and to be aware of the latest information.

- Anyone requesting a water test can call 810-787-6537 or email flintwater@cityofflint.com
- Anyone requesting an opportunity to schedule a meeting can email lorenz@cityofflint.com
- Anyone that wants access to more information can visit the water page of the City website

We are aware that many of you have indicated the desire to no longer participate in this group but we still want to extend the opportunity for you to be involved and have access to information.

Please do not hesitate to email this group or **me directly** if you have any questions

--
Howard Croft
Public Works Director
City of Flint
1101 S. Saginaw Street
Flint, MI 48502
PH# 810.766.7135 [redacted]
hcroft@cityofflint.com

--
Howard Croft
Public Works Director
City of Flint
1101 S. Saginaw Street
Flint, MI 48502
PH# 810.766.7135 [redacted]
hcroft@cityofflint.com

Dayne Walling
Mayor

Natasha L. Henderson
City Administrator

Jason Lorenz
Public Information Officer
Office: (810) 237-2039
[redacted]
jlorenz@cityofflint.com

For Immediate Release

City of Flint Issues Lead Advisory

Flint, Michigan – September 25, 2015 – The City of Flint is issuing a Lead Advisory for residents to be aware of lead levels in drinking water after hearing concerns from the medical community. While the City is in full compliance with the Federal Safe Drinking Water Act, this information is being shared as part of a public awareness campaign to ensure that everyone takes note that no level of lead is considered safe.

The Genesee County Health Department has issued a fact sheet regarding lead precautions for residents. The fact sheet can be found on their website at www.gchd.us. Here are a few of the suggestions the Health Department recommends:

- Flush your cold-water pipes by running the water for approximately 5 minutes
- Use only water from the cold-water tap for drinking, cooking, and especially for making baby formula.
- Install a water filter that is NSF-certified for lead removal.

Lead contamination can leach into water from a home's lead water service lines, lead solder, and leaded plumbing materials including fixtures, faucets, and fittings. Older service lines with pipes and fixtures installed before 1986 can sometimes be more susceptible to lead issues due to materials used in the home such as lead based paint and lead pipes.

This message is meant as a precaution to residents and does not mean that all homes in the City will experience the same issue. Residents with concerns about lead service lines

and lead in home plumbing fixtures are encouraged to contact the City's Utilities Division to schedule a free water testing by calling the Water Treatment Plant at 810-787-6537 and pressing #1 after prompted or by emailing flintwater@cityofflint.com.

The City of Flint is working proactively along with the County Health Department, the Michigan Department of Environmental Quality, and the U.S. Environmental Protection Agency to improve the water system throughout the City. An accelerated plan to add a corrosion control agent to our water within 30 to 60 days with expedited approval from the Michigan Department of Environmental Quality is already underway. This will reduce corrosion which can cause lead in old pipes to leach into the water.

This plan is in addition to Mayor Walling's letter requesting $30 Million in water infrastructure assistance funding from the State of Michigan. $10 Million of that request would be for the replacement of lead service lines in households to ensure that lead no longer presents a danger to the drinking water of our residents. As the letter states, "It is the City's position that the abatement of lead through the removal of lead containing pipes and fixtures in homes is the best long term solution to keeping our residents' water safe."

Mayor Walling further stated: "I am extremely concerned about the risks around lead with Flint's children and I will be working tirelessly to ensure the water is safe and all of our families have the information they need. I also will continue to pursue funding for infrastructure improvements and a comprehensive healthy homes initiative that addresses lead in paint and pipes. We have to get the lead out of our community to eliminate the threat of childhood lead poisoning."

The City of Flint continues working proactively with the County Health Department, the Michigan Department of Environmental Quality, and the U.S. Environmental Protection Agency to improve the water system throughout the City. The City remains committed to working with all of our partners in the Water Technical Advisory Committee to address all

issues of public health and quality concerns that face the community. Updates on progress made in addressing this issue will be made during regular public meetings including City Council and other scheduled meetings. Information on this and all related matters will continue to be posted on the City of Flint's website, cityofflint.com.

–END–

Genesee County Health Department

Mark Valacak, M.P.H., Health Officer
Gary K. Johnson, M.D., M.P.H., Medical Director

How does lead get into my tap water?

Under typical circumstances, lead will dissolve into the water. The concentration of lead in drinking water can vary greatly, depending on the corrosiveness of the water, the type and age of the plumbing materials and the length of time that the water stands in the pipes. The highest levels of lead occur when very corrosive water stands motionless in lead or lead soldered pipe for long periods of time.

How do I know if my tap water is contaminated with lead?

The only way to know whether your tap water contains lead is to have it tested. You cannot see, taste, or smell lead in drinking water. There are different sampling methods for sampling lead in drinking water. To determine your household risk, it is recommended to take a first draw sample.

Does lead in my tap water cause health effects?

Lead can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. Lead in water can be a special problem for infants, whose diets may be mostly liquids, such as baby formulas or concentrated juices mixed with water. Smaller bodies can absorb lead more rapidly than bigger ones. A child's mental and physical growth can be permanently harmed by too much lead. Risk will vary, depending on the individual, the circumstances, and the amount of water consumed.

What can I do to reduce or eliminate lead in my tap water?

Flush your cold-water pipes by running the water for approximately 5 minutes. The longer the water has been sitting in the pipes, the more lead it may contain. You can fill containers for later use, after the flushing process. Use only water from the cold-water tap for drinking, cooking, and especially for making baby formula. Hot water is likely to contain higher levels because it dissolves more lead.
You may choose to install a water filter that is NSF-certified for lead removal. If a water filter is installed, replace filters at least as often as recommended by the manufacturer.

Buy a lead-free faucet. The legal definition of "lead-free" still allows brass faucets to contain up to 8 percent lead. However, faucets marked with "NSF 61/9" and/or "California Proposition 65" meet stricter limits. Regularly clean particles from faucet aerators.

Is it safe to take a bath or shower, if my water has high lead levels?

Yes. Bathing and showering should be safe for you and your children, even if the water contains lead over EPA's action level. Human skin does not absorb lead in water. This information applies to most situations and to a large majority of the population, but individual circumstances may vary. Some situations, such as cases involving highly corrosive water, may require additional recommendations or more stringent actions.

Who do I contact for more information?

The local water authority is always your first source for testing and identifying lead contamination in your tap water. You can visit the City of Flint Website at www.cityofflint.com or contact the Flint Water Department at 810-787-6537.

WWW.EPA.GOV

WWW.MDEQ.GOV

From: Hollins, Harvey (GOV)
Sent: Tuesday, October 13, 2015 4:49 PM
To: Clayton, Stacie (GOV)
Subject: FW: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

---

From: Muchmore, Dennis (GOV)
Sent: Tuesday, October 13, 2015 4:49:18 PM (UTC-05:00) Eastern Time (US & Canada)
To: Wurfel, Sara (GOV); Clement, Elizabeth (GOV); Agen, Jarrod (GOV); Redford, James (GOV); Hollins, Harvey (GOV); Posthumus, Dick (GOV); Lange, Michelle (GOV)
Cc: Wisniewski, Wendy (GOV); Thomet, Ruth (GOV); Rospond, Laurie (GOV)
Subject: RE: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

This guy has already been told they don't have the documents requested. Hard to send him something they don't have.

From: Wurfel, Sara (GOV)
Sent: Monday, October 12, 2015 2:25 PM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Lange, Michelle (GOV) <LangeM3@michigan.gov>
Cc: Wisniewski, Wendy (GOV) <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV) <ThometR@michigan.gov>; Rospond, Laurie (GOV) <rospondl@michigan.gov>
Subject: RE: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

And looping in leg team here too … hit send too fast earlier.

From: Wurfel, Sara (GOV)
Sent: Monday, October 12, 2015 2:24 PM
To: Dennis Muchmore <muchmored@michigan.gov>; Beth Clement <clemente@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Redford, James (GOV) <RedfordJ@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>
Cc: Wendy Wisniewski <wisniewskiw@michigan.gov>; Thomet, Ruth (GOV) <ThometR@michigan.gov>
Subject: FW: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint
Importance: High

Please see below. Making sure I understand full back story on this, but FYI.

Let me know if anyone has additional background or insight, otherwise tracking down with DEQ.

From: Gary Ridley [mailto:GRIDLEY@mlive.com]
Sent: Monday, October 12, 2015 1:39 PM
To: Bitely, Andrea (AG) <BitelyA@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

Hi,
I wanted to see if the state had any comment in response to this lawsuit.

Thanks.

--

Gary Ridley | The Flint Journal-MLive Media Group | 810-280-9516 | gridley@mlive.com

---

From: Rosemary Jones [mailto:RJones@house.mi.gov]
Sent: Monday, October 12, 2015 1:33 PM
To: Rosemary Jones
Subject: Rep. Phelps Files Suit Against State of Michigan, City of Flint

FOR IMMEDIATE RELEASE
Monday, Oct. 12, 2015

Contact: Rep. Phil Phelps
Phone: (517) 373-7515

Rep. Phelps Files Suit Against State of Michigan, City of Flint

State, city failed to release documents sought in FOIA request

LANSING — State Representative **Phil Phelps** (D-Flushing) announced earlier today that he is filing suit against the state of Michigan and the city of Flint to force them to release public documents he requested last month under the Freedom of Information Act (FOIA).

"It's an absolute shame that I have to file suit to force our government to comply with the law," Phelps said. "I was shocked at their response, because prior to receiving the denials, officials from both the city and state had told me that not only did documents exist, but they would be happy to share them with me."

On Sept. 4 of this year, Phelps requested that the city and state turn over all documents and emails regarding the permit and application process that Flint's emergency manager was required to complete before the Michigan Department of Environmental Quality gave the go ahead to the city to start using the Flint River as its source of drinking water. Late last month, the state and the city both denied Phelps' request, saying that no such documents exist.

In March and April of 2014, officials from both the city and state were also quoted in several articles on Mlive.com, making comments about the permit application process for Flint to switch its source of drinking water from Detroit's system to the Flint River.

"I want to know what these officials knew about the safety and quality of the river water before the switch was made. Judging by their response and recent actions, it almost seems they knew a lot more than they are letting on to," Phelps said. "Flint residents deserve better than this, they deserve to know the truth about the decisions that were made, and if I have to fight this in court to get the truth, so be it."

###

Rosie Jones
Deputy Press Secretary
Michigan House Democrats
O: 517.373.3731
[redacted]
housedems.com

From: Clayton, Stacie (GOV)
Sent: Tuesday, September 29, 2015 6:36 PM
To: Hollins, Harvey (GOV)
Subject: Flint Citizen Advisory Team Update
Attachments: Lead Advisory Release.pdf; GCHD Lead in Water Fact Sheet.pdf

Not sure if you saw this or not.

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From: Howard Croft [mailto:hcroft@cityofflint.com]
Sent: Monday, September 28, 2015 3:54 PM
To: Aaron Dionne <[redacted]>; Amy Hovey <Amy.Hovey@mail.house.gov>; Brennan Elm Park Senior Community Corporation <[redacted]>; Carma Lewis <[redacted]>; catherine.sheppard <catherine.sheppard@usace.army.mil>; cbruett <cbruett@genesys.org>; Chris Zuwala <[redacted]>; City Of Flint <jfreeman@cityofflint.com>; Clarence Pierce <cpierce@hamiltonchn.org>; Clayton, Stacie (GOV) <claytons3@michigan.gov>; connie.russell <[redacted]>; crmcclinton <[redacted]>; ctomm <ctomm@fsamich.org>; Diana Phillips <[redacted]>; dpmgt <[redacted]>; flintfreedom_fund <[redacted]Florlisa Stebbins <fstebb01@baker.edu>; gla <GLA@geneseelandlordassoc.org>; Jack Stock <jstock@kettering.edu>; Jackie Poplar <jpoplar@cityofflint.com>; James Henry <jhenry@gchd.us>; Jamie Gaskin <jgaskin@unitedwaygenesee.org>; Janet Van De Winkle <jvandewinkle@ectinc.com>; Jason Caya <jcaya@reinvestflint.org>; jcurtis <jcurtis@co.genesee.org>; jiking155 <[redacted]>; jmanse <jmanse@ccgs.org>; John Waddell <[redacted]>; johnsonreid <[redacted]>; jwright@co.genesee.mi.us; kboles@valleyaaa.org; Kevin J. Keane <KEVIN.KEANE@cmsenergy.com>; kevin.roach <kevin.roach@whaleychildren.org>; khamlet <khamlet@flintandgenesee.org>; kittle.robert <[redacted]>; kroddy <kroddy@flintchildrensmuseum.org>; LaMonica Harris <[redacted]>; Laura Sullivan <[redacted]>; lisa.poma <lisa.poma@mcc.edu>; mcarnevale <mcarnevale@senate.michigan.gov>; mddst <mddst@me.com>; Melissa Mays <melissa@indi-grace.com>; Mike Sargent <mike49@sargentstitle.com>; mmelenbrink <mmelenbrink@flintarts.org>; Montel Menifee <mmenifee@senate.michigan.gov>; nkopek <nkopek@genesys.org>; Norb Birchmeier <nbirchm1@hurleymc.com>; rcarter <rcarter@flintarts.org>; Rebecca Fedewa <rfedewa@flintriver.org>; repphelps@house.mi.gov; revalharris1 <[redacted]rstanley <rstanley@bbbsflint.org>; Russell Hudson <Russell.Hudson@mclaren.org>; sborrego <sborrego@house.mi.gov>; sheldonneeley <sheldonneeley@house.mi.gov>; suptmarshall <[redacted]>; Tony Martin <[redacted]>; William Hammond <[redacted]>; Elizabeth Murphy <emurphy@cityofflint.com>
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1101 S. Saginaw Street

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Jason Lorenz
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Office: (810) 237-2039
[redacted]
jlorenz@cityofflint.com

For Immediate Release

City of Flint Issues Lead Advisory

Flint, Michigan – September 25, 2015 – The City of Flint is issuing a Lead Advisory for residents to be aware of lead levels in drinking water after hearing concerns from the medical community. While the City is in full compliance with the Federal Safe Drinking Water Act, this information is being shared as part of a public awareness campaign to ensure that everyone takes note that no level of lead is considered safe.

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This message is meant as a precaution to residents and does not mean that all homes in the City will experience the same issue. Residents with concerns about lead service lines

and lead in home plumbing fixtures are encouraged to contact the City's Utilities Division to schedule a free water testing by calling the Water Treatment Plant at 810-787-6537 and pressing #1 after prompted or by emailing flintwater@cityofflint.com.

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This plan is in addition to Mayor Walling's letter requesting $30 Million in water infrastructure assistance funding from the State of Michigan. $10 Million of that request would be for the replacement of lead service lines in households to ensure that lead no longer presents a danger to the drinking water of our residents. As the letter states, "It is the City's position that the abatement of lead through the removal of lead containing pipes and fixtures in homes is the best long term solution to keeping our residents' water safe."

Mayor Walling further stated: "I am extremely concerned about the risks around lead with Flint's children and I will be working tirelessly to ensure the water is safe and all of our families have the information they need. I also will continue to pursue funding for infrastructure improvements and a comprehensive healthy homes initiative that addresses lead in paint and pipes. We have to get the lead out of our community to eliminate the threat of childhood lead poisoning."

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–END–

Genesee County Health Department

Mark Valacak, M.P.H., Health Officer
Gary K. Johnson, M.D., M.P.H., Medical Director

How does lead get into my tap water?

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WWW.MDEQ.GOV

From: Wurfel, Brad (DEQ)
Sent: Thursday, April 16, 2015 12:09 PM
To: Wurfel, Sara (GOV); Murray, David (GOV); Brown, Jessica (GOV)
Cc: Muchmore, Dennis (GOV)
Subject: FW: Flint SRF Letter
Attachments: 20150416053843464.pdf

FYI, Letter from EPA's Susan Hedman to Cong. Kildee regarding his idea to forgive Flint's old SRF loans.

It's four pages, but here's the summary takeaway message:

No.

b

-----Original Message-----
From: Deamer, Eileen
Sent: Wednesday, April 15, 2015 5:52 PM
To: jordan.dickinson@mail.house.gov
Cc: Hovey, Amy; Beckmann, Ronna Erin; Fortin, Denise
Subject: Flint SRF Letter

Jordan -

Please find attached a copy of EPA's response to your March 26, 2015 letter regarding loan forgiveness and the City of Flint.

Thank you,

Eileen Deamer
(312) 886-1728

United States Environmental Protection Agency
Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

APR 15 2015

The Honorable Daniel Kildee
House of Representatives
Washington D.C. 20515

Dear Congressman Kildee:

Thank you for your March 26, 2015 letter seeking clarification as to whether the Safe Drinking Water Act and associated regulations allow the State of Michigan to forgive outstanding principal due on loans that were made to the City of Flint through the Drinking Water State Revolving Fund (DWSRF). Your letter points out the challenges that Flint is currently facing and indicates that the Congressional Research Service has identified potentially applicable legal authority that may provide a basis for loan forgiveness. Unfortunately, the provisions cited in your letter apply only to new loans. The existing loans that are the focus of your inquiry are not eligible for forgiveness.

Under the Safe Drinking Water Act, as well as regulation and recent appropriations language, forgiveness of principal is termed "an additional subsidy." The concept of additional subsidy is set out in Section 1452 (d) of the Act:

> (1) Loan subsidy:
> Notwithstanding any other provision of this section, in any case in which the State makes a loan pursuant to subsection (a)(2) of this section to a disadvantaged community or to a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization (including forgiveness of principal).
>
> (2) Total amount of subsidies:
> For each fiscal year, the total amount of loan subsidies made by a State pursuant to paragraph (1) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

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Under the corresponding regulation, 40 CFR Section 35.3525 (b):

> (1) A State may provide loan subsidies (e.g., loans which include principal forgiveness, negative interest rate loans) to benefit communities meeting the State's definition of "disadvantaged" or which the State expects to become "disadvantaged" as a result of the project. Loan subsidies in the form of reduced interest rate loans that are at or above zero percent do not fall under the 30 percent allowance described in paragraph (b)(2) of this section.
>
> (2) A State may take an amount equal to no more than 30 percent of the amount of a particular fiscal year's capitalization grant to provide loan subsidies to disadvantaged communities. If a State does not take the entire 30 percent allowance associated with a particular fiscal year's capitalization grant, it cannot reserve the authority to take the remaining balance of the allowance from future capitalization grants.

The outstanding Flint loans that are the subject of your inquiry were made in 1999, 2000, 2001 and 2003. In these years, the State had the option of providing additional subsidy when making these initial loans. To exercise this option the State would have been required to issue an intended use plan identifying the new, initial financing and to determine Flint's eligibility to receive principal forgiveness. Pursuant to 40 CFR 35.3525 (b)(2), a State may not reserve the authority to provide loan subsidies; this means a state cannot allocate any previously unallocated loan subsidy using current funds.

Since the American Recovery and Reinvestment Act of 2009, Congressional appropriations have provided additional language to further clarify the timing and use of additional subsidy – language which you reference in your letter:

> Provided further, that not less than 20 percent but not more that 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients *only where such debt was incurred on or after the date of enactment of this Act:...* " (emphasis added).

Consolidated and Further Continuing Appropriations Act, 2015, Pub. Law 113-235

This language provides for additional subsidy (including principal forgiveness) only for debt "incurred on or after the date of enactment of this Act." As the DWSRF loans were provided to Flint prior to the date that this language first appeared in the American Recovery and Reinvestment Act and in subsequent Appropriations Acts, the State does not have authority to provide additional subsidy for those loans.

Although the loans that are the subject of your inquiry are not eligible for loan forgiveness, the City of Flint may have opportunities to seek principal forgiveness in connection with new applications for State SRF funding. EPA is available to provide assistance with that process if requested to do so.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Denise Fortin, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

Susan Hedman
Regional Administrator

From: Wurfel, Sara (GOV)
Sent: Monday, October 12, 2015 2:15 PM
To: Wyant, Dan (DEQ); Pallone, Maggie (DEQ); Wurfel, Brad (DEQ); Tommasulo, Karen (DEQ)
Subject: FW: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint
Attachments: Phelps_Verified FOIA Complaint.pdf

Need to make sure I understand the full background and story on this.

From: Gary Ridley [mailto:GRIDLEY@mlive.com]
Sent: Monday, October 12, 2015 1:39 PM
To: Bitely, Andrea (AG) <BitelyA@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

Hi,
I wanted to see if the state had any comment in response to this lawsuit.

Thanks.

--
Gary Ridley | The Flint Journal-MLive Media Group | 810-280-9516 | gridley@mlive.com

---

From: Rosemary Jones [mailto:RJones@house.mi.gov]
Sent: Monday, October 12, 2015 1:33 PM
To: Rosemary Jones
Subject: Rep. Phelps Files Suit Against State of Michigan, City of Flint

FOR IMMEDIATE RELEASE
Monday, Oct. 12, 2015

Contact: Rep. Phil Phelps
Phone: (517) 373-7515

Rep. Phelps Files Suit Against State of Michigan, City of Flint

State, city failed to release documents sought in FOIA request

LANSING — State Representative **Phil Phelps** (D-Flushing) announced earlier today that he is filing suit against the state of Michigan and the city of Flint to force them to release public documents he requested last month under the Freedom of Information Act (FOIA).

"It's an absolute shame that I have to file suit to force our government to comply with the law," Phelps said. "I was shocked at their response, because prior to receiving the denials, officials from both the city and state had told me that not only did documents exist, but they would be happy to share them with me."

On Sept. 4 of this year, Phelps requested that the city and state turn over all documents and emails regarding the permit and application process that Flint's emergency manager was required to complete before the Michigan Department of Environmental Quality gave the go ahead to the city to start using the Flint River as its source of drinking water. Late last month, the state and the city both denied Phelps' request, saying that no such documents exist.

In March and April of 2014, officials from both the city and state were also quoted in several articles on Mlive.com, making comments about the permit application process for Flint to switch its source of drinking water from Detroit's system to the Flint River.

"I want to know what these officials knew about the safety and quality of the river water before the switch was made. Judging by their response and recent actions, it almost seems they knew a lot more than they are letting on to," Phelps said. "Flint residents deserve better than this, they deserve to know the truth about the decisions that were made, and if I have to fight this in court to get the truth, so be it."

###

Rosie Jones
Deputy Press Secretary
Michigan House Democrats
O: 517.373.3731
[redacted]
housedems.com

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY GENESEE

PHIL PHELPS,

Plaintiff, Case No.
v Hon.

CITY OF FLINT,

Defendant.

MILLER COHEN, P.L.C.
Keith D. Flynn (P74192)
Attorneys for Plaintiff
600 W. Lafayette, 4th Fl.
Detroit, MI 48226
(313) 964-4454 Phone
kflynn@millercohen.com

VERIFIED FREEDOM OF INFORMATION ACT COMPLAINT

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the Complaint against Defendant.

Keith D. Flynn

Plaintiff **PHIL PHELPS**, ("Plaintiff"), by and through his attorneys, **MILLER COHEN, P.L.C.**, for his Freedom of Information Act Complaint, states as follows:

Since Spring 2014, families in the City of Flint have been exposed to a significant threat to their health and well-being caused by the decision to switch the City's water supply from Lake Huron water to Flint River water. This decision was made by the State's appointed Emergency Manager in the name of saving money. In the process, the health and welfare of Flint residents has been carelessly jeopardized with thousands of residents being exposed to contaminants, including E.coli, disinfectant byproduct, and, most recently, lead.

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This threat is the very reason why the Michigan Department of Environmental Quality (DEQ) exists—to protect the public by insisting upon compliance with federal and state environmental regulations. The DEQ is supposed to work with suppliers of water, such as the City of Flint, and approve or reject applications for permits to alter existing water systems, including changes that are made to the source of water. MCL § 325.1004(6). Part of this process requires localities to provide the DEQ with detailed technical information evaluating any impact that proposed alterations might have on the quality of water provided to the public. *Id.*

State Representative Phil Phelps issued information requests under the Freedom of Information Act (FOIA) to the Department of Environmental Quality (DEQ), the Michigan Department of Treasury, and the City of Flint. Representative Phelps wants to see if the State and City knew in advance about the potential hazards now faced by Flint residents. He wants to see what had been done to avoid this disaster. He requests documents concerning evaluations of the quality of water in the Flint River, documents specifically pertaining to the application and permit process, and other documents relating to the change in the City's water source.

In public statements, State and City officials have discussed documents addressing the change from Detroit to Flint River water as Flint's primary source of water. However, in response to Representative Phelps' FOIA requests, they now deny that such documents exist. The cleanliness of the water is a critical health and safety issue, which must be revealed to the public. The Defendants cannot make public assurances of the existence of documents, only to refuse to turn those documents over.

As a result, Representative Phelps is now forced to file this action, along with another action in the Michigan Court of Claims, seeking to disclose information that the public has the right to know. For those reasons, Plaintiff Phelps seeks an Order from this Court requiring the City to respond to Plaintiff's FOIA requests and seeking costs and attorney fees for having to file this action.

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PARTIES, JURISDICTION, AND VENUE

1. This matter arises under the Michigan Freedom of Information Act, MCL § 15.231, *et seq.* ("FOIA").

2. Plaintiff Phil Phelps is the elected State Representative for the 49th State House District. His District includes part of the City of Flint.

3. Defendant City of Flint is a public body as defined in MCL §15.232(d) having custody and control of public records. The City of Flint constitutes a supplier of water for the purposes of the Michigan Safe Drinking Water Act, MCL §325.1001 *et seq.*

4. This Court has jurisdiction over the subject matter of this complaint and venue is proper in this county, pursuant to MCL §15.240(4).

GENERAL ALLEGATIONS

5. Plaintiff incorporates herein by reference each of the preceding paragraphs.

6. Pursuant to MCL § 15.233, Plaintiff, as a member of the public, has the right to inspect, copy, or receive copies of public records of a public body, including records of the City of Flint.

7. For almost fifty years, the City of Flint purchased Lake Huron water from the Detroit Water and Sewerage Department ("DWSD").

8. On June 28, 2013, ground was broken by the Karegnondi Water Authority ("KWA") to build a pipeline to distribute Lake Huron water throughout Genesee County without DWSD.

9. Construction of the pipeline is set to be completed in late 2016.

10. Every community in Genesee County remained with DWSD during the construction of the pipeline with the exception of the City of Flint.

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11. Darnell Earley, the Emergency Manger appointed to the City of Flint by Governor Richard Snyder under the Local Financial Stability and Choice Act, MCL §141.1541 *et seq.*, implemented the switch from DWSD water to the Flint River that took place on April 25, 2014.

THE DECISION TO SWITCH FROM DWSD WATER TO FLINT RIVER WATER

12. Prior to switching from DWSD to Flint River water, the City of Flint, in conjunction with the Michigan Department of Environmental Quality and the Michigan Department of Treasury engaged in a process to evaluate the potential of using the Flint River as Flint's primary source of water. (*Exhibit A*, 91-95)

13. Gerald Ambrose, the financial advisor to the emergency manager for the City of Flint at the time, testified that: "There was brief evaluation of whether the City would be better off to simply use the Flint River as its primary source of water over the long term. That was determined not to be feasible." (Id. at 91)

14. Mr. Ambrose went on to testify that the determination that it was not feasible was made by "the emergency management team based on conversations with the MDEQ that indicated they would not be supportive of the use of the Flint River on a long-term basis as a primary source of water." (Id.)

15. Mr. Ambrose also testified in regards to an independent study that was conducted by the State Department of Treasury as to the feasibility of changing the source of water to the Flint River. (Id. at 93-94)

16. Notwithstanding this evaluation, the City of Flint decided to move forward with changing the source of its drinking water to the Flint River until the KWA pipeline was finished.

17. In order to do so, however, the City of Flint was required by the Safe Drinking Water Act to apply for a permit to change the source of water:

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> (6) Before commencing the construction of a waterworks system or an alteration, addition, or improvement to a system, a supplier of water shall submit the plans and specifications for the improvements to the department and secure from the department a permit for construction as provided by rule. Plans and specifications submitted to the department shall be prepared by a professional engineer licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014. A contractor, builder, or supplier of water shall not engage in or begin the construction of a waterworks system or an alteration, addition, or improvement to a waterworks system until a valid permit for the construction has been secured from the department. A contractor, builder, or supplier of water who permits or allows construction to proceed without a valid permit, or in a manner not in accordance with the plans and specifications approved by the department, violates this act. A supplier of water shall not issue a voucher or check or in any other way expend money or provide consideration for construction of a waterworks system unless a valid permit issued by the department is in effect. The department may issue a permit with conditions to correct minor design deficiencies. If eligible, a supplier may request an expedited review of an application for a permit under section 4a.

MCL § 325.1004(6).

18. The Safe Drinking Water Act provides that the DEQ administers the Act and promulgates administrative rules to enforce its requirements. One of those administrative rules defines "alteration" to include "modification of, or addition to, an existing waterworks system, or portion of the system, that affects . . . the source . . . ." Admin. Rule 325.10102.

19. On the DEQ's website, the DEQ provides the application discussed above. (*Exhibit B*)

20. The application requires the submission of highly technical plans and analysis for the alteration of the Water System. (Id.)

21. Failure of a "supplier of water"—which include municipalities—to apply and receive a permit prior to alteration of a Water System violates the Act punishable by a fine of not more than $5,000.00 for each day of violation, or by imprisonment for not more than 1 year, or both. MCL § 325.1021.

22. Prior to switching to the Flint River, it was reported that the City was in the process of applying for such a permit. (*Exhibit C*)

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23. On March 28, 2014, it was reported that the Michigan Department of Environmental Quality halted the City's attempt to move forward with the switch in water source without receiving the permit. (Id.) Steve Busch, the Lansing and Jackson district supervisor for the DEQ, noted that the DEQ had only received "preliminary design plans and preliminary specifications" that the agency had commented on. (Id.)

24. Howard Croft, Flint's Director of Public Works, denied the inadequacy of the plans provided noting that the City had provided "A fully engineered construction package, including all the work to be performed." (Id.) He went on to note that, "The submittal package has been under review for more than 30 days. The city has had ongoing discussions with the DEQ regarding the process and we anticipate a favorable response soon." (Id.)

25. On April 5, 2014, Emergency Manager Earley stated that the final application for the permit was filed with the DEQ noting that "We expect to have the permit early next week." (*Exhibit D*)

26. Sure enough, the very next week, the spokesman for the Department of Environmental Quality (DEQ), Brad Wurfel, was reported on April 10, 2014 as saying that the DEQ issued "a series of construction permits" noting that "They are racing to get all this work done." (*Exhibit E*)

27. The switch to Flint River water took place on April 25, 2014. (*Exhibit F*)

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RESIDENTS OF FLINT ARE EXPOSED TO CONTAMINANTS AFTER THE SWITCH TO FLINT RIVER WATER

28. Since switching to Flint River water, Flint residents have been placed in jeopardy being exposed to substantial threats to their health and safety due to contaminants found in their drinking water.

29. On August 14, 2014, the water tested positive for fecal coliform bacteria, E.coli, leading the City to issue a boil water advisory. (*Exhibit G*)

30. The water once again tested positive on August 19, 2014 with boil water advisories extending into late September 2014. (*Exhibit H*)

31. On January 2, 2015, a new threat to public health and safety was identified. In an effort to eliminate the bacteria, the City increased the chlorine used in the System. Residents began complaining that the water was causing skin rashes and their hair falling out. (*Exhibit I*)

32. Then, on January 2, 2015, the City of Flint officially announced that the level of trihalomethanes (TTHMs)—a byproduct of disinfectant—was higher than the allowable amount provided for in federal law forcing the City to provide notice to residents. (*Exhibit J*)

33. Long term exposure to TTHMs can create liver, kidney, or central nervous system problems, and may increase the risk of cancer, especially amongst those who have severely compromised immune systems such as infants or the elderly. (Id.)

34. Over nine months later, the City was finally able to reduce TTHM levels to the federal limit. (*Exhibit K*)

35. Most recently, in July 2015, Virginia Tech University researchers released the results of their own independent study of Flint's water supply revealing incredibly high amounts of lead far exceeding the allowable limitations of lead content under federal law. (*Exhibit L*)

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36. On September 2, 2015, the researchers at Virginia Tech released another study that compared the DWSD water to the Flint River water (*Exhibit L*) That study concluded that the natural corrosive properties of Flint River water is leaching lead from the City's aging infrastructure. (*Exhibit L*)

37. On September 24, 2015, the results of a subsequent study by Dr. Mona Hanna-Attisha, program director for the pediatric residency at the Hurley Children's Hospital at Hurley Medical Center in Flint were released finding an elevated level of lead in the blood samples of Flint children. (*Exhibit M*) Specifically, the study showed that the number of children in the City with elevated blood levels nearly doubled after the city started using the river. (Id.)

38. According to Dr. Hanna-Attisha: "What we found in our data is concerning." (Id.) Dr. Hanna-Attisha noted that "This is not something you mess around with." (Id.)

REPRESENTATIVE PHELPS SEEKS DOCUMENTS RELATING TO CHANGING THE CITY'S SOURCE OF WATER TO THE FLINT RIVER AND THE CITY AND STATE FAILED TO COMPLY

39. In response to this health crisis, Representative Phelps requested the following records from the Michigan Department of Environmental Quality, the Michigan Department of Treasury, and the City of Flint pursuant to FOIA on September 4, 2015:

1. All documents the [City of Flint/Michigan Department of Treasury/Michigan Department of Environmental Quality], or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
2. All documents the [City of Flint/Michigan Department of Treasury/Michigan Department of Environmental Quality], or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and/or the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

3. All documents the [City of Flint/Michigan Department of Treasury/Michigan Department of Environmental Quality] has in its possess, including correspondence, related to any communications between the [City of Flint of Treasury/Michigan Department of Treasury/Michigan Department of Environmental Quality], or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

(*Exhibit N*)

40. On September 4th, Representative Phelps had a face-to-face conversation with Howard Croft, Flint's Director of Public Works, at the Flint City Hall beginning shortly after 3:00pm and ending around 4:20pm. Representative Sheldon Neeley was also present during the meeting.

41. Both Representative Phelps and Neeley asked several questions regarding the switch to Flint River water, the permits and applications surrounding the switch, potential hold ups/delays in the switch due to DEQ's approval process, and correspondence between the City of Flint and the DEQ regarding all of the previous items.

42. Howard Croft said that they did in fact have documents related to those topics and stated that it would be no problem to share them with both Representatives.

43. On September 14, 2015, the City of Flint changed its story. In the City of Flint's formal response to Representative Phelps' FOIA requests dated September 14, 2015, the City has refused to provide those documents. (*Exhibit O*)

44. Contradicting Mr. Croft's earlier assertions as well as statements made to the press in 2014, the City of Flint asserted that no such documents exist:

> The records which you have requested do not exist under the name given by the requester or by another name reasonably known to this public body or are not retained by this public body in the performance of an official functions. This is a certification of their non-existence. No Records—Requested documents do not exist.

(Id.)

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45. The DEQ responded on or about September 16th by telephone indicating that it was DEQ policy to provide copies of documents to members of the State Legislature free of charge and noting that there were several documents that would be sent over to Representative Phelps' office via email, but only if he withdrew his FOIA request.

46. Representative Phelps indicated that he had to contact his attorney to discuss whether he should withdraw the FOIA requests. Since that day, Representative has not received any verbal communication with the DEQ.

47. On September 28, 2015, after Representative Phelps refused to withdraw his FOIA request, the DEQ changed its tone like the City of Flint. (*Exhibit P*)

48. Brad Wurfel, the spokesman for the DEQ stated in an interview with Gongwer that "Flint did not have to file an application because the City has always listed the Flint River as its back-up should it need it for a water supply." (*Exhibit Q*)

49. Obviously, Mr. Wurfel's most recent statement ignores the statements that he, and others, made to the media prior to the switch. They all maintained that Flint was required to file an application for a permit with the DEQ and did in fact file an application that was ultimately approved by the DEQ on or about April 10, 2014.

50. Nonetheless, Mr. Wurfel indicated during that interview that "other documents . . . are available—to Mr. Phelps or anyone—dealing with the process the city and state took preparing for the switch." (Id.) To date, Representative Phelps has not received these other documents.

51. Similarly, the Michigan Department of Treasury denied Representative Phelps' FOIA request on the same grounds as the City of Flint and the DEQ on September 29, 2015. (*Exhibit R*)

52. To date, Representative Phelps' has not received the documents that he requested.

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53. The public has a right to know the degree to which the State knew about or took any action to determine the potential hazards of making this switch, prior to the decision being implemented by the State-appointed Emergency Manager. It is for that reason that Representative Phil Phelps brings this suit to compel the City of Flint to provide the documents requested pursuant to FOIA.

COUNT I

VIOLATION OF THE FREEDOM OF INFORMATION ACT

54. Plaintiff incorporates herein by reference each of the preceding paragraphs.

55. Documents, such as correspondence and communications, relating to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity constitute public records subject to FOIA.

56. Plaintiff reasonably described the documents that he was seeking.

57. No exemption recognized under FOIA applies to Representative Phelps' requests.

58. The Defendant's denial is wholly without merit as acknowledged by the Defendant's own agents in the past. Defendant failed to perform a good faith effort to conduct a search for the requested records using methods reasonably expected to produce the requested information.

59. Hence, Defendant violated the FOIA, and for the violation, the Defendant should face all fines, costs and fees as pursuant to the FOIA statute, as well as be ordered to immediately tender the information.

60. Due to the Defendant's refusal to respond to the FOIA requests, the Defendant now bears the burden to sustain the reason for its denial. MCL §15.240(4).

61. MCL § 15.240(5) provides that actions commenced pursuant to FOIA "shall be assigned for hearing and trial and for argument at the earliest practicable date and expedited in every way.

WHEREFORE, and for the above-stated reasons, Plaintiff requests that this Honorable Court grant the following relief:

a. Order an expedited hearing as required by MCL § 15.240(5);

b. Order that the Defendant to immediately respond to the FOIA requests of Plaintiff as found in the *Exhibit N* letters;

c. Find that the Defendant made a final determination to deny the FOIA requests, and such determination was in violation of the FOIA and arbitrary and capricious. Thus, Order that the Defendant pay to Plaintiff reasonable attorney's fees, costs and disbursements, and order punitive damages of $5.00;

d. Award all other relief as this Court deems appropriate.

Respectfully submitted,

MILLER COHEN, P.L.C.

By: _____

Keith D. Flynn (P74192)
Attorneys for Plaintiff
600 W. Lafayette, 4th Fl.
Detroit, MI 48226
(313) 964-4454

Dated: October 12, 2015

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VERIFICATION OF THE COMPLAINT

I, Phil Phelps, being first duly sworn, deposes and says that he is authorized to verify this Complaint, that he has read the complaint and based on his knowledge it is true as to its facts and he believes it is true as to its conclusions, to the best of his knowledge and belief.

Dated: _____ _____

PHIL PHELPS

Subscribed and sworn to before me on
this ___ day of October, 2015

_____
_____, Notary Public
_____ County, MI
Acting in _____ County, MI
My Commission expires: _____

MILLER COHEN, P.L.C.
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EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

JOHN WELCH, JUDITH WELCH, KENNETH SPARKS, JR., CAROL SPARKS, SHERRY MURPHY, AND MARK FULKS ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED, AND UNITED RETIRED GOVERNMENTAL EMPLOYEES (URGE), A MICHIGAN NONPROFIT CORPORATION,

Plaintiffs,

CASE NO: 2:12-cv-13808-AJT-MKM

vs

HON. ARTHUR J. TARNOW

MICHAEL BROWN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS EMERGENCY MANAGER OF THE CITY OF FLINT, EDWARD KURTZ, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS EMERGENCY MANAGER OF THE CITY OF FLINT, ROBERT ERLENBECK, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS MANGER FOR THE CITY OF FLINT RETIREMENT OFFICE, GERALD AMBROSE, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS CITY OF FLINT FINANCE DIRECTOR, AND THE CITY OF FLINT,

Defendants.
_____/

The Deposition of GERALD AMBROSE, taken before me, Claudia M. Weekly, CSR-2963, on Tuesday, May 20, 2014, at 1101 South Saginaw Street, 2nd Floor Conference Room, Flint, Michigan, commencing at or about 10:17 A.M.

talking about, are you referring to the cost of the City's participation in the pipeline?

Q Both.

A I had no direct involvement in any discussions relating to the actual cost estimates for the construction of the pipeline. I was, however, involved in doing the analysis of the cost benefit to the City of participating in the Karegnondi Water Authority as compared to continuing to receive, to purchase water from the Detroit Water and Sewer System.

Q Were any other options -- did you look at any other options apart from those two or variations of those two?

A There was brief evaluation of whether the City would be better off to simply use the Flint River as its primary source of water over the long term. That was determined not to be feasible.

Q Who determined that it wasn't feasible?

A It was a collective decision of the emergency management team based on conversations with the MDEQ that indicated they would not be supportive of the use of the Flint River on a long-term basis as a primary source of water.

Q What was the reason that they gave?

A You'll have to ask them.

Q Okay. You don't recall?

A I do not recall.

Q Now, am I correct in that is actually what is happening now, for at least a short-term --

A That's correct.

Q -- the City of Flint is using its own facilities and supplying its own water through the Flint River?

A That is correct.

Q When was the possibility of using that as a long-term solution abandoned?

MR. WARREN: Do you mean the Flint River?

MR. ALEC GIBBS: Yes.

THE WITNESS: Probably sometime in FY13. I don't recall specifically.

MR. BADE: I'm just going to object to the form of the question. Abandoned by whom?

Q (BY MR. ALEC GIBBS) By the collective body that was responsible for making the ultimate decision by the City of Flint, I assume. Sometime in fiscal year 2013?

A Sometime between -- I guess sometime probably during '13, I believe, or perhaps even midway through '12.

Q Okay.

A I don't recall the specific dates.

Q But it was based on communications from the Michigan Department of Environmental Quality.

MR. WARREN: Objection; asked and answered. You can answer.

THE WITNESS: It was based on information that we received from others within the City who said that MDEQ was not supportive of a long-term use of the Flint River.

Q (BY MR. ALEC GIBBS) Who are the City of Flint sources who communicated the Michigan Department of Environmental Quality's position?

MR. WARREN: Object to lack of foundation. You can answer.

THE WITNESS: I believe it was our utilities administrator, our public works director.

Q (BY MR. ALEC GIBBS) And who are those individuals?

A Howard Croft, Daugherty Johnson.

Q Are you aware of an independent study on the feasibility of alternative plans for water supply for the City of Flint that was commissioned by the Department of Treasury?

MR. WARREN: I'm going to object to relevance. We're getting really far afield here. I'm not directing him not to answer, but hopefully this can be tied up very quickly and we can all move on.

Q (BY MR. ALEC GIBBS) I'm just asking if you're aware of the study.

A Tell me what the name of the study is.

Q I have it here. Mark this as Exhibit 5.

(Exhibit Number 5 was marked.)

Q (BY MR. ALEC GIBBS) Do you recognize this study?

A I do not recall seeing this actual document, but I am aware of the study.

Q Okay. Do you remember when this study was commissioned?

A I don't know. Apparently it was completed in February of 2013.

Q The study makes reference to a number of meetings between the City of Flint and the Department of Treasury concerning the investigation into water supply options for the City of Flint. Did you participate in any of those meetings?

A I did.

Q What meetings do you recall participating in?

A I recall one or two meetings in Lansing. I don't remember when.

Q Do you remember if one of those meetings took place in December of 2012?

A I do not recall the date.

Q Do you remember who participated in these meetings?

A I do not recall. I was in attendance with the emergency manager then Michael Brown, as I recall, or Ed Kurtz. I honestly do not recall the dates and the timing.

Q Okay. There is a reference to, if you look to Page 2 of the study, it says although it appeared that this was

a -- it references an option for the Flint water treatment plant to supply the City of Flint without being supplied from either DWSD or KWA was initially considered. The preliminary investigation evaluated the cost associated with the required improvements to the plant and the Flint River dam system. And that although it appeared that this was a viable option, Flint, in a meeting on December 20th, 2012 with the treasury, stated that the City did not want to pursue that option and it is no longer being considered.

Do you recall that being discussed in one of those meetings you referred to earlier?

A No. But that's consistent with the decision that we reached.

Q You indicated that you did participate in some of the evaluations of the cost projections at least as it concerned Flint's contribution to the pipeline.

A Flint's participation in the pipeline, yes.

Q Okay. Well, what is your understanding of what Flint's annual contributions will be over the term of years for the loan bond amounts? In other words, what are Flint's debt service payments relative to the pipeline construction going to be on an annual basis?

A The debt service only?

Q And any payments associated with the pipeline

EXHIBIT B

PERMIT APPLICATION FOR WATER SUPPLY SYSTEMS

(CONSTRUCTION - ALTERATION - ADDITION OR IMPROVEMENT) AS DESCRIBED HEREIN

Required under the Authority of 1976 PA 399, as amended

This application becomes an Act 399 Permit only when signed and issued by authorized Michigan Department of Environmental Quality (DEQ) Staff. See instructions below for completion of this application.

Municipality or Organization, Address and WSSN that will own or control the water facilities to be constructed. This permit is to be issued to: **WSSN**:	Permit Stamp Area (DEQ use only)	
Owner's Contact Person (provide name for questions): Contact: Title: Phone:		
Project Name (Provide phase number if project is segmented):	4. **Project Location** (City, Village, Township):	5. **County** (location of proje

ISSUED UNDER THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENT QUALITY

cc:

Issued by: _____

Reviewed by: _____

☐ **If this box is marked see attached special conditions.**

Instructions: Complete items 1 through 5 above and 6 through 21 on the following pages of this application. Print or typ all information except for signatures. Mail completed application, plans and specifications, and any attachments to the DE District Office having jurisdiction in the area of the proposed construction.

Please Note:

a. This **PERMIT** only authorizes the construction, alteration, addition or improvement of the water system described herein and is issued solely under the authority of 1976 PA 399, as amended.
b. The issuance of this **PERMIT** does not authorize violation of any federal, state or local laws or regulations, nor doe it obviate the necessity of obtaining such permits, including any other DEQ permits, or approvals from other units c government as may be required by law.
c. This **PERMIT** expires two (2) years after the date of issuance in accordance with R 325.11306, 1976 PA 399, administrative rules, unless construction has been initiated prior to expiration.
d. Noncompliance with the conditions of this permit and the requirements of the Act constitutes a violation of the Act.
e. Applicant must give notice to public utilities in accordance with 1974 PA 53, (MISS DIG), being Section 460.701 to 460.718 of the Michigan Compiled Laws, and comply with each of the requirements of that Act.
f. All earth changing activities must be conducted in accordance with the requirements of the Soil Erosion and Sedimentation Control Act, Part 91, 1994 PA 451, as amended.
g. All construction activity impacting wetlands must be conducted in accordance with the Wetland Protection Act, Par 303, 1994 PA 451, as amended.
h. Intentionally providing false information in this application constitutes fraud which is punishable by fine and/or imprisonment.
i. Where applicable for water withdrawals, the issuance of this permit indicates compliance with the requirements of Part 327 of Act 451, Great Lakes Preservation Act.

Facilities Description – In the space below provide a detailed description of the proposed project. Applications without adequate facilities descriptions **will be returned**. SEE EXAMPLES BELOW. Use additional sheets if needed.

EXAMPLES – EXAMPLES – EXAMPLES – EXAMPLES – EXAMPLES – EXAMPLES

Water Mains	500 feet of 8-inch water main in First Street from Main Street north to State Street. **OR** 250 feet of 12-inch water main in Clark Road from an existing 8-inch main in Third Avenue north to a hydrant.
Booster Stations	A booster station located at the southwest corner of Third Avenue and Main Street, and equipped with two, 15 Hp pumps each rated 150 gpm @ 200 feet TDH. Station includes backup power and all other equipment as required for proper operation.
Elevated Storage Tank	A 300,000 gallon elevated storage tank located in City Park. The proposed tank shall be spherical, all welded construction and supported on a single pedestal. The tank shall be 150 feet in height, 40 feet in diameter with a normal operating range of 130 – 145 feet. The interior coating system shall be ANSI/NSF Standard 61 approved or equivalent. The tank will be equipped with a cathodic protection system, and includes a tank level control system with telemetry.
Chemical Feed	A positive displacement chemical feed pump, rated at 24 gpd @ 110 psi to apply a chlorine solution for Well No. 1. Chlorine is 12.5% NaOCL, ANSI/NSF Standard 60 approved and will be applied at a rate of 1.0 mg/l of actual chlorine.
Water Supply Well	Well No. 3, a 200 foot deep well with 170 feet of 8-inch casing and 30 feet of 8-inch, 10 slot screen. The well will be equipped with a 20 Hp submersible pump and motor rated 200 gpm @ 225 feet TDH, set at 160 feet below land surface.
Treatment Facilities	A 5 million gpd water treatment plant located at the north end of Second Avenue. The facility will include 6 low service pumps, 2 rapid mix basins, 4 flocculation/sedimentation basins, 8 dual media filters, 3 million gallon water storage reservoir and 6 high service pumps. Also included are chemical feed pumps and related appurtenances for the addition of alum, fluoride, phosphate and chlorine.

General Project Information – Complete all boxes below.

7. Design engineer's name, engineering firm, address, phone number, and email address:

8. Indicate who will provide project construction inspection:
☐Organization listed in Box 1.
☐Engineering firm listed in Box 7.
☐Other - name, address, and phone number listed below.

9. Is a basis of design attached?
☐YES ☐NO

If no, briefly explain why a basis of design is not needed.

10. Are sealed and signed engineering plans attached?
☐YES ☐NO

If no, briefly explain why engineering plans are not needed.

11. Are sealed and signed construction specifications attached?
☐YES ☐NO

If specifications are not attached, they need to be on file at DEQ.

12. Were Recommended Standards for Water Works, Suggested Practice for Water Works, AWWA guidelines, and the requirements of Act 399 and its administrative rules followed?
☐YES ☐NO

If no, explain which deviations were made and why.

13. Are all coatings, chemical additives and construction materials ANSI/NSF or other adequate 3rd party approved?
☐YES ☐NO

If no, describe what coatings, additives or materials did not meet the applicable standard and why.

14. Are all water system facilities being installed in the public right-of-way or a dedicated utility easement? (For projects not located in the public right-of-way, utility easements must be shown on the plans.)
☐YES ☐NO

If no, explain how access will be obtained.

15. Is the project construction activity within a wetland (as defined by Section 324.30301(d)) of Part 303, 1994 PA 451?
☐YES ☐NO

If yes, a wetland permit must be obtained.

16. Is the project construction activity within a 100-year floodplain (as defined by R 323.1311(e)) of Part 31, 1994 PA 451, administrative rules?
☐YES ☐NO

If yes, a flood plain permit must be obtained.

17. Is the project construction activity within 500 feet of a lake, reservoir, or stream?
☐YES ☐NO

If yes, a Soil and Erosion Control Permit must be obtained or indicate if the owner listed in box 2 of this application is an Authorized Public Agency (Section 10 of Part 91, 1994 PA 451) ☐ Owner is APA.

18. Will the proposed construction activity be part of a project involving the disturbance of five (5) or more acres of land?
☐YES ☐NO

If yes, is this activity regulated by the National Pollutant Discharge Elimination System storm water regulations?
☐YES: NPDES Authorization to discharge storm water from construction activities must be obtained.

☐NO: Describe why activity is not regulated:

Please call 517-241-8993 with questions regarding the applicability of the storm water regulations.

19. Is the project in or adjacent to a site of suspected or known soil or groundwater contamination?
☐YES ☐NO

If yes, attach a copy of a plan acceptable to the DEQ for handling contaminated soils and/or groundwater disturbed during construction. Contact the local DEQ district office for listings of Michigan sites of environmental contamination.

20. IF YOU ARE A CUSTOMER/WHOLESALE/BULK PURCHASER, COMPLETE THE FOLLOWING

1) Name and WSSN of source water supply system (seller) _____

2) Does the water service contract require water producer/seller to review and approve customer/wholesale/bulk purchaser water system construction plans?
☐YES ☐NO

If yes to #2, the producer/seller approval letter must be attached when submitted to DEQ.

21. **Owner's Certification** The owner of the proposed facilities or the owner's authorized representative shall complete the owner's certification. It is anticipated that the owner will either be a governmental agency (city, village, township, county, etc.) or a private owner (individual, company, association, etc.) of a Type I public water supply.

OWNER'S CERTIFICATION

I, _____ (name), acting as the _____ (title/position) fo
(print) (print)

_____ (entity owning proposed facilities) certify that this project has
(print)

been reviewed and approved as detailed by the Plans and Specifications submitted under this application, and is in compliance with the requirements of 1976 PA 399, as amended, and its administrative rules.

Signature* Date Phone

*Original signature only, no photocopies will be accepted.

PROJECT BASIS OF DESIGN – FOR WATER MAIN PROJECTS

PROJECT NAME: _____

For this PROJECT the following information must be provided per Act 399 unless waived by the Department. For projects other than water main installation, or if additional space is needed, attach separate sheet(s) with detailed Basis of Design calculations.

A. A general map of the initial and ultimate service areas
☐ Included on engineering plans ☐ Attached separately

B. Number of service connections served by this permit application _____

C. Total number of service connections ultimately served by entire project _____

D. Residential Equivalent Units (REUs) served by this permit application _____

E. Total Residential Equivalent Units (REUs) ultimately served by entire project _____

F. Water flow rates for proposed project based on REUs listed in "D' and "E" above

1. Initial design average day flow (mgd) _____
2. Initial design maximum day flow (mgd) _____
3. Total design average day flow (mgd) _____
4. Total design maximum day flow (mgd) _____
5. Required fire flows: (1) _____ gpm for _____ hours

G. Actual flows and pressures of existing system at the connection point(s) (2)

_____ gpm at _____ psi
_____ gpm at _____ psi
_____ gpm at _____ psi
_____ gpm at _____ psi

H. Estimated minimum flows and pressures within the proposed water main system (3)

_____ gpm at _____ psi

(1) Every water system must decide what levels of fire fighting flows they wish to provide. Fire flow should be appropriate for the area (residential, commercial, industrial) being served by the project. Typical fire flow rates can be obtained from the water supply, local fire dept., ISO or AWWA. The water system must then be designed to be able to provide the required fire flows while maintaining at least 20 psi in all portions of the distribution system.

(2) Flows and pressures at the connection points must be given to determine if the existing water main(s) are able to deliver water to the new service area. These numbers can be obtained from a properly modeled and calibrated distribution system hydraulic analysis or hydrant flow tests performed in the field. If more than one connection is proposed, list as needed.

(3) List what the estimated minimum flows can be expected in the proposed water mains based on estimated water demands, head losses, elevation changes and other factors that may affect flows, such as dead end mains.

EXHIBIT C

State says Flint hasn't applied for permit to use river as drinking water source

A look at Flint water plant's facilities
The city plans to switch over to the Flint River as a primary drinking water source in April. *(MLive.com File Photo)*

Dominic Adams | dadams5@mlive.com By **Dominic Adams | dadams5@mlive.com**
Follow on Twitter
on March 28, 2014 at 6:30 AM, updated March 28, 2014 at 6:35 AM

FLINT, MI – Not so fast, state officials are telling Flint administrators charging toward an April 18 date to begin using the Flint River for all of the city's water needs.

The Michigan Department of Environmental Quality says it hasn't received the proper paperwork from the city. When the state does get it, a review of the application for state permission to use the river could take 30 to 45 days.

The city is switching over from buying treated water from Detroit to using the Flint River for drinking water temporarily. Once the Karegnondi Water Authority completes its pipeline from Lake Huron to Genesee County, Flint will switch to the KWA.

"In regards to the actual application, we haven't received one," said Steve Busch, Lansing and Jackson district supervisor in the DEQ's office of drinking water and municipal assistance. "We've received preliminary design plans and preliminary specifications and we've commented on those. They may be waiting until they have all the comments worked out before they submit the application."

Flint has bought treated Lake Huron water from Detroit, but that contract was terminated when Flint signed on to purchase 18 million gallons of raw water per day from the Karegnondi Water Authority. The contract termination goes into effect April 17.

The under-construction pipeline will bring raw Lake Huron water to Flint and Genesee County when it is complete by the end of 2016.

People in the city will drink Flint River water until the pipeline is complete. The Detroit Water and Sewerage

Department said it would **stop selling water to Flint and Genesee County** on its current contract on April 17, 2014. Genesee County is negotiating with Detroit for water until the KWA pipeline is flowing.

Busch said state reviews generally take between 30 and 45 days, but would not comment on if Flint would be ready to transition to river water by the time Detroit terminates the contract with the city.

"A fully engineered construction package, including all the work to be performed, has been submitted to the DEQ by the city of Flint in preparation for the transition to use of the Flint River as a temporary primary water source," said Howard Croft, Flint's director of public works, in a statement. "The submittal package has been under review for more than 30 days. The city has had ongoing discussions with the DEQ regarding the process and we anticipate a favorable response soon."

If the state hasn't approved Flint's use of river water by April 18, Busch said, the city would just continue to buy water from Detroit on a non-contract price until Flint has state OK to begin using the river.

"I don't think there is any scenario that we will just willy-nilly cut off service for Flint," said Bill Johnson, a consultant and spokesman for Detroit Water and Sewerage Department. "Negotiations are continuing."

Croft said the DEQ has been reviewing the request and asking questions throughout.

"When both sides come to an agreement and all issues have been addressed, then the permit is granted," Croft said in the statement. "Flint has been in ongoing communication with Genesee County and the DWSD to ensure that there is no interruption of water service to Flint customers. As the Mayor (Dayne Walling) said in his State of the City address 'beginning this spring, we will be using treated water from the Flint River as our temporary primary water source.' We are still on target to meet this goal."

Croft said there will be a series of public forums where residents can ask questions about the city's water transition, what that will mean for rates and others. He did not have specifics about when and where those meetings will take place.

*Dominic Adams is a reporter for The Flint Journal. Contact him at **dadams5@mlive.com** or 810-241-8803. Follow him on **Twitter**, **Facebook** or **Google+**.*

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EXHIBIT D

Emergency manager says city could have permit to use Flint River water by next week

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on April 05, 2014 at 6:00 AM, updated April 05, 2014 at 6:03 AM

FLINT, MI -- The city expects to have a state permit that will allow it to use the Flint River for drinking water by next week.

Emergency manager Darnell Earley said today, April 4, that the final application for the permit has been filed with the state Department of Environmental Quality after months of working with the state to ensure smooth sailing for the application.

"We expect to have the permit early next week," said Earley. "We are still on track to operate our treatment plant this spring."

The emergency manager's comments come after a **story in MLive-The Flint Journal** last week indicated the DEQ had not received the proper paperwork from the city for permission to use the river.

DEQ officials said in the story that the application process could take 30-45 days, but Earley challenged the idea that it will take that long and said city and state officials have been working closely in advance of submitting the final application.

The city is attempting to switch from buying treated water from the city of Detroit to using the Flint River for drinking water temporarily by mid-April.

Once the Karegnondi Water Authority completes its pipeline to Lake Huron, the city has committed to switching back to using water from Lake Huron and the KWA again

Earley said he expects to transition from Detroit water to Flint River water by April 17, the date Detroit officials have set for terminating the existing arrangement between the two cities.

"We don't think there will be a lag" between those dates, he said.

Earley said he has a contingency plan if the switch to the Flint River isn't made by April 17. Detroit Water

and Sewerage officials have said they don't intend to attempt to shut off the water supply to the city under any circumstances.

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EXHIBIT E

Flint gets final permit approvals from state to use Flint River for drinking water

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on April 10, 2014 at 4:00 PM, updated April 10, 2014 at 4:10 PM

FLINT, MI -- Bottoms up, Flint.

The state of Michigan has issued the **permits needed** for the city to begin using the Flint River for drinking water, a major step toward ending water purchases from the city of Detroit as early as next week.

"They've got a series of construction permits" that were issued Wednesday, April 10, said Brad Wurfel, a spokesman for the state Department of Environmental Quality. "They are**racing** to get all this work done."

The permits have been on Flint's to-do list since the Detroit Water and Sewerage Department said it was terminating its contract to sell water here on April 17.

That deadline was issued one year ago, and city and state water officials have been working and consulting on required upgrades at Flint's water treatment plant since.

Flint spokesman Jason Lorenz said today, April 10,that the city is still targeting April 17 as the day to shut off Lake Huron water -- treated and pumped here by DWSD -- and to turn on the intakes into the river.

Because work is still going on inside and outside the city's treatment plant, the exact time and date for the switch hasn't been set yet, Lorenz said.

Earlier this week, Flint emergency manager Darnell Earley called the city's ability to cut out the cost of water purchases from Detroit a "monumental change" for the city.

"The city of Flint will be able to control water costs," Earley said. "I'm kind of glad we're not a part of that discussion (about the future of the Detroit water system) anymore."

A consultant hired by Earley is expected to recommend new water rates during a City Council committee meeting at 5 p.m. today. The emergency manager has already said**rates will not be reduced** because of upgrades that are needed in Flint's water distribution system.

Flint officials will need that infrastructure upgrade whether they use river or lake water. City officials have signed an agreement to use Lake Huron water supplied by the Karegnondi Water Authority once the pipeline it is building is completed -- something that's expected to happen in 2016.

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EXHIBIT F

Watch Mayor Dayne Walling, EM Darnell Earley drink Flint River water before turning Detroit connection

Mayor Dayne Walling turns off water supply from Detroit, drinks Flint River water

Mayor Dayne Walling turns off the flow of water from Detroit as the Flint transitions to using the Flint River

Dominic Adams | dadams5@mlive.com By **Dominic Adams | dadams5@mlive.com**

Follow on Twitter

on April 25, 2014 at 1:00 PM, updated April 28, 2014 at 10:30 AM

FLINT, MI – Mayor Dayne Walling asked for a countdown from the group of about a dozen people huddled inside a small building on Friday, April 25.

"Three, two, one," they counted, then Walling pushed a small black button.

Seconds later, a green light winked out, and that was it.

Watch the video to see Flint effectively cut its water ties with Detroit when the mayor pushes the button.

Flint will use the river until the Karegnondi Water Authority builds its pipeline to Genesee County. The $274 million project is expected to be complete sometime in 2016.

Friday's event at the Flint water treatment plant also featured Walling and other elected officials drinking Flint River water.

"It tastes like...water," said Fourth Ward Councilman Joshua Freeman after drinking a cup.

It should take about two days for the residual Detroit water to clear the city's water system before all Flint customers will be drinking treated river water.

"Water is an absolute vital service that most everyone takes for granted," Walling said. "It's a historic moment for the city of Flint to return to its roots and use our own river as our drinking water supply."

*Dominic Adams is a reporter for The Flint Journal. Contact him at **dadams5@mlive.com** or 810-241-8803. Follow him on **Twitter**, **Facebook** or **Google+**.*

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EXHIBIT G

Second positive coliform bacteria test means Flint's west side water boil notice still in effect

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on August 18, 2014 at 4:00 PM, updated January 17, 2015 at 10:28 AM

(This story has been updated to correct information about water test results in the boil water advisory area.)

Flint Journal file photo

FLINT, MI -- A second water sample in an area where residents have been told to boil their drinking water has tested positive for total coliform, meaning owners of businesses and residents there should continue to boil water until further notice -- at least until Wednesday, Aug. 19.

"We don't know yet what caused this. We don't have a smoking pistol," said Mike Prysby, an engineer with the Michigan Department of Environmental Quality.

Update: Flint officials say 'abnormal' test to blame in E. coli scare

Flint officials have ramped up testing in the boil-water area, a half-mile square area on the city's west side, since a positive test for fecal coliform bacteria on Thursday, Aug. 14.

Fecal coliform bacteria -- also known as E.coli -- can make people sick, and are a particular concern for those with weakened immune systems.

Prysby called fecal coliform bacteria in drinking water unusual, something that typically happens fewer than a half-dozen times in any given year statewide. Sometimes, doesn't happen anywhere in Michigan over a full calendar year, he said.

The second positive test for total coliform came from samples taken Saturday, Aug. 16, according to Prysby.

The U.S. Environmental Protection Agency says positive total coliform tests suggest there may be a pathway

for pathogens and/or fecal contamination to enter the drinking water distribution system.

For drinking water, total coliforms are used to determine the adequacy of water treatment and the integrity of the distribution system, according to EPA.

"The absence of total coliforms in the distribution system minimizes the likelihood that fecal pathogens are present," the agency Web site says. "Thus, total coliforms are used to determine the vulnerability of a system to fecal contamination."

Fecal coliform and E. coli are bacteria that indicate water may be contaminated with human or animal feces.

This is the area in which a boil water advisory is in effect on the west side of the city of Flint.

Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms, and may also pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems, according to a news release from the city.

Flint's boil advisory is in an area bordered by Mann Hall Avenue on the north and east, Whitney Avenue on the south, and the city limits on the west.

The contamination is a concern for Sandi Blackmon, owner of Sandi's Elegant Catering on South Ballenger Highway, who said she's scrambling to keep up with her work with a boil advisory in effect.

Not only does the advisory say water for drinking should be boiled, but also water for washing dishes -- even brushing teeth.

"I'm concerned, because I'm a former culinary arts student. I know about what food-born bacteria can do ... E.coli can be deadly," Blackmon said.

Representatives of other restaurants in the busy commercial area of Balleneger and Corunna Road said they were boiling water Monday and will be until they receive an all-clear message from City Hall.

"It's inconvenient but we do it -- we do the best we can," said David Todorovsky, an owner of Atlas Coney Island.

Flint Councilwoman Vicki VanBuren, who represents the area, has another reason for concern about the boil water advisory.

"My mother lives in that area," VanBuren said. "She has a lot of health concerns (so) I took her over some bottled water and told her not to use (tap water) to drink or cook with it.

"This would concern me no matter what part of the city it was in," she said.

Council members could get more information on the water contamination and what may have caused it at committee meetings this week.

In the meantime, Prysby said there are multiple possible explanations for the contamination, including water main breaks in the area, chlorine levels that are off-kilter or a poor sample location or collection technique.

Prysby said water coming out of Flint's water treatment plant continues to meet all drinking water standards, meaning the problem is within the water distribution system.

"We haven't confirmed a reason," he said of the results, "We're still investigating further. In some situations, we never find out why."

The city is warning the people in the localized area to not drink the water without boiling it first for one minute, and letting it cool before using.

Boiled or bottled water should be used for not just drinking, but for making ice, brushing teeth, washing dishes and preparing food.

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EXHIBIT H

Tests positive for total coliform again in water-boil area on Flint's west side

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on August 19, 2014 at 4:00 PM, updated January 17, 2015 at 10:25 AM

MLive file photo

FLINT, MI -- Water in a small area on Flint's west side has **tested positive** again for total coliform, and the city's boil water advisory there is continuing until at least Wednesday, Aug. 20.

Mike Prysby, district engineer for the Michigan Department of Environmental Quality, said water in the half-square-mile area tested positive for total coliform on Saturday, Aug. 16, and Sunday, Aug. 17.

Flint officials have ramped up testing in the boil-water area since a **positive test for fecal coliform bacteria** on Thursday, Aug. 14.

The boil-water area is Mann Hall Avenue on the north and east, Whitney Avenue on the south, and the city limits on the west.

Fecal coliform bacteria -- also known as E.coli -- can make people sick, and are a particular concern for those with weakened immune systems.

The U.S. Environmental Protection Agency says positive total coliform tests suggest there may be a pathway for pathogens and/or fecal contamination to enter the drinking water distribution system.

Total coliforms are used to determine the adequacy of water treatment and the integrity of the distribution system, according to EPA.

"The absence of total coliforms in the distribution system minimizes the likelihood that fecal pathogens are present," the agency Web site says. "Thus, total coliforms are used to determine the vulnerability of a system to fecal contamination."

The city of Flint**issued a statement** Monday, Aug. 18, saying "testing over the last 48 hours has shown no signs of E. coli or fecal coliform bacteria in the water," but makes no mention of the total coliform test results.

The city's statement says a sampling error is believed to be to blame for the initial abnormal test.

Prysby said the back-to-back positive total coliform tests are a "general indicator there could be more pathogenic organisms present" in water but is "not a direct indicator."

"We haven't narrowed it down to any one possibility (but) we don't play Russian roulette with public health," Prysby said of the abnormal samples and the need to continue testing.

Prysby said test results are "moving in the right direction" because there have been no additional discoveries of E. coli or fedcal coliform bacteria in water.

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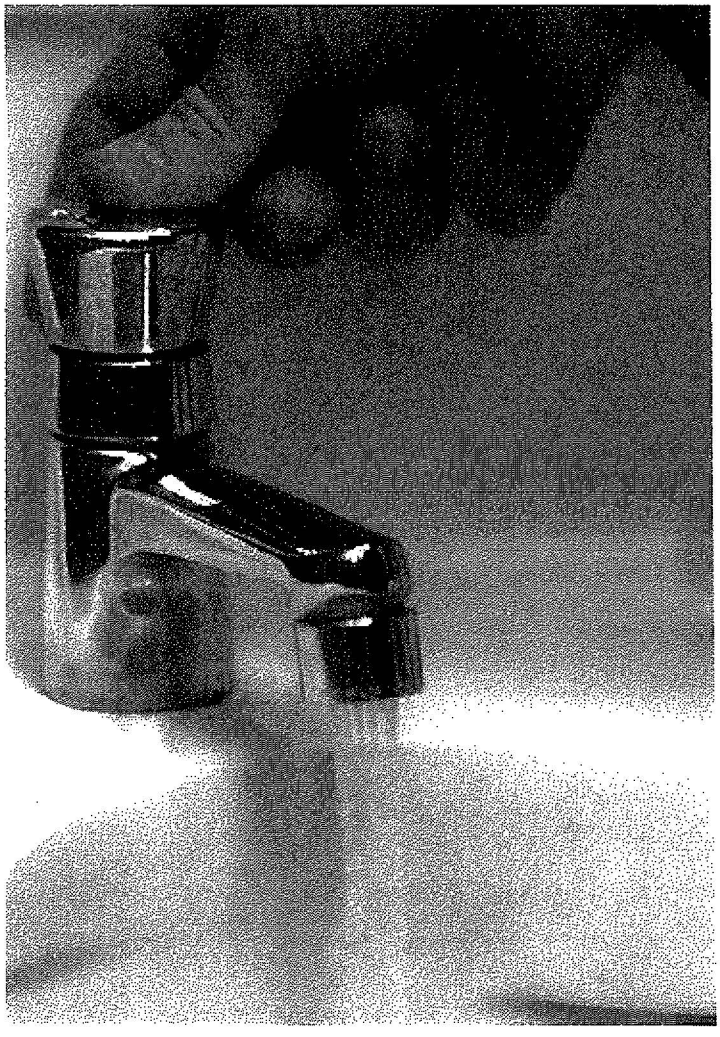
Flint issues boil water advisory for section of the city after positive test for total coliform bacteria

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on September 05, 2014 at 6:56 PM, updated January 17, 2015 at 10:20 AM

FLINT, MI -- The city has issued a boil advisory for a portion of Flint, saying water in the area has tested positive for total coliform bacteria.



MLive file photo

The area of the advisory is bordered by Dayton Street on the north, DuPont Street on the east, the Flint River on the south, and by Lavelle Road to the Flint River on the west, the city said in a news released issued today, Sept. 5.

The latest advisory marks the **second time in less than 30 days** that residents and businesses in a part of the city have been told to boil or use bottled water for drinking, bathing, making ice, brushing teeth, washing dishes, and preparing food.

The U.S. Environmental Protection Agency says positive total coliform tests suggest there may be a pathway for pathogens and fecal contamination to enter a drinking water system.

Total coliforms are used to determine the adequacy of water treatment and the integrity of the distribution system, according to EPA.

"The absence of total coliforms in the distribution system minimizes the likelihood that fecal pathogens are present," the agency Web site says. "Thus, total coliforms are used to determine the vulnerability of a

system to fecal contamination."

Boiling water kills bacteria or other harmful organisms, according to the city's advisory.

"Total coliform bacteria are generally not harmful themselves. Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present," the city's statement says.

"Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or E. coli, are present. We did not find any of these bacteria in our subsequent testing," the statement says.

The city says it will flush the system in the boil advisory area and increase chlorine added to water.

All water testing results at the city's Water Treatment Plant have shown Flint's water, which is drawn from the Flint River, meets all Safe Water Drinking Standards when it leaves the facility.

The city says anyone with questions about the advisory or any other water issues should call 810-787-6537.

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Important Information About Your Drinking Water

Tests showed coliform bacteria in the City of Flint water

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct the situation.

We routinely monitor for drinking water contaminants. We took 150 samples to test for the presence of coliform bacteria during September 2014. 15 of those samples (10%) showed the presence of coliform bacteria. The standard is that no more than 5 percent of our samples may do so.

What should I do?

You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor. People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their healthcare providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. A portion of the City was notified to boil their water at the time of the incident until it was resolved. Coliform bacteria are generally not harmful themselves.

Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than were allowed and this was a warning of potential problems.

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or E. coli, are present. We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.

What happened? What was done? On September 5, 2014, after routine and repeat samples showed the presence of total coliform, a boil water order was issued to the affected area. That area was flushed and resampled until samples were non-detect for total coliform. The boil order was lifted on September 9, 2014. Samples collected since then show that all results met acceptable limits.

For more information, please contact Mr. Brent Wright, Water Plant Supervisor, City Of Flint - DPW at 810.787.6537 ext. 3510 or Flint Water Plant - 4500 North Dort Highway, Flint, MI 48505.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the City of Flint.

CERTIFICATION: F2, S3 WSSN: 02310

I certify that this water supply has fully complied with the public notification requirements in the Michigan Safe Drinking Water Act, 1976 PA 399, as amended, and the administrative rules.

Signature	PLANT SUPERVISOR Title	10-23-14 Date Distributed

Reminder to water supplier: This notice / certification must be sent to the DNRE.

EXHIBIT I

- Weekly Ads
- Local Guide
- Today's Ads
- Classifieds

- Tools
  - Email Newsletter Sign up
  - Advertise with Us
  - Contact Us
  - Work for Us
  - Order Photo Reprints
  - Contests
  - Subscribe
  - Manage Your Subscription
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  - E-Paper
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- Twitter
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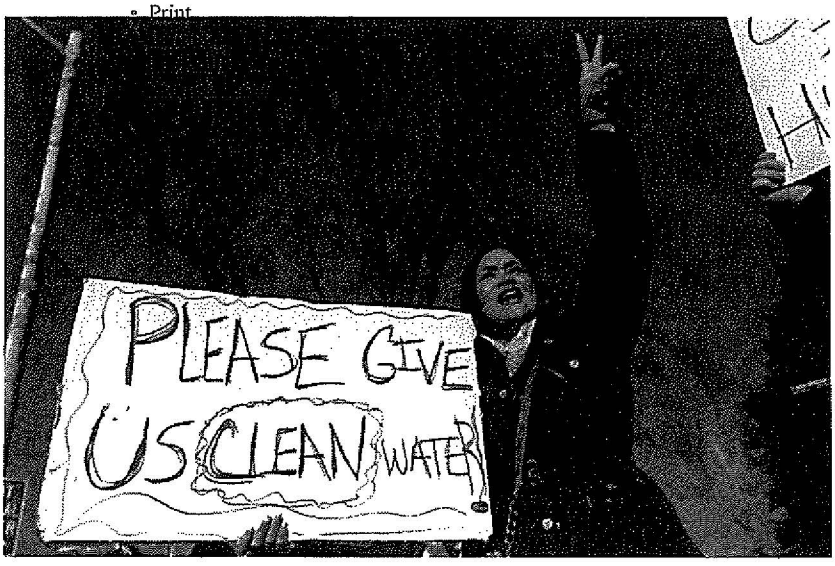
- News
  - Reddit
  - Pinterest
  - 2 Comments
  - Email
  - Print

Some Flint residents complain of skin problems from water



In this photo taken on Tuesday, Jan. 13, 2015, Gina Reynolds, a University of Michigan Flint student majoring in social work, chants "clean water is a human right," at cars passing by during a small protest over the conditions of the Flint water system in Downtown Flint, Mich. (AP Photo/The Flint Journal-MLive.com, Sam Owens)

By The Associated Press

Posted: 01/14/15, 4:25 PM EST | Updated: on 01/14/2015

2 Comments

FLINT- Some Flint residents are complaining that the city's water is causing skin problems for some children.

Hundreds of people turned out Tuesday to discuss Flint's water quality at a meeting with the mayor and city council members. Flint resident Qiana Dawson said her 4-year-old and 2-year-old have broken out in rashes because of the water, resulting in high doctor's bills.

"You all need to work with me on money," she said.

LeeAnne Walters said her 3-year-old, who has a compromised immune system, has been suffering from skin problems after bathing in the water.

"We got bad water," said City Councilman Eric Mays, who hosted the meeting. "If you buy a bad product, you return it for a refund."

The meeting was held hours after demonstrators gathered outside Flint City Hall to protest water quality and rising bills, The Flint Journal reported .

The city insists the water is safe.

Flint Mayor Dayne Walling said officials needs to focus on how to improve the water.

"I'm talking with people about water every single day," Walling said. "We need to work together as a community, with the cooperation of the state and federal government, to fix this issue."

Issues with the city's water supply emerged after Flint stopped buying water from Detroit's water department. Flint officials this month said they were dealing with elevated levels of a disinfection byproduct.

Flint switched from using Lake Huron as its drinking water source in April. The city plans to use the Flint River as its water source until the end of 2016, when the Karegnondi Water Authority expects to complete construction of a new Lake Huron water pipeline.

Some want Flint to switch back to using Detroit's water.

Walling has supported the decision by state-appointed emergency manager Darnell Earley to hire a consultant to correct the treatment of water from the Flint River. Gov#Rick Snyder on Tuesday announced that Earley would be put in charge of the struggling Detroit Public Schools district.

Earley said last week that going back to Detroit water was cost prohibitive and that the city "can ill-afford to switch course."

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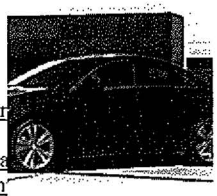
Coffee Club, K-cups, Gourmet Coffee



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Fourth family member sentenced for K2 sales

EXHIBIT J

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

City of Flint Did Not Meet Treatment Requirements

Our water system was recently found to be in violation of a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Samples were collected for total trihalomethanes (TTHM) analysis from eight locations on a quarterly basis (May 21, August 21, and November 20 of 2014). The average of the results at **ANY** of the eight locations must not exceed the maximum contaminant level (MCL) for TTHMs, otherwise our water system exceeds the Maximum Contaminant Level (MCL). The standard for TTHMs is 80 ug/L. The location reporting the highest TTHM level was 99 ug/L; thus, our water system exceeds the TTHM MCL.

What should I do?

- There is nothing you need to do unless you have a severely compromised immune system, have an infant, or are elderly. In that case, you may be at increased risk and should seek advice about drinking water from your health care provider.
- You do not need to boil your water or take other corrective actions. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.

What does this mean?

This is not an emergency. If it had been an emergency, you would have been notified within 24 hours.

People who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.

What is being done?

We are currently working on solutions to correct the problem. We anticipate resolving the problem in 2015.

For more information, please contact Mr. Brent Wright or Mike Glasgow at 810-787-6537 or the Water Plant at 4500 North Dort Highway, Flint, MI 48505.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the City of Flint.

CERTIFICATION: F1 S3 WSSN: 02310

I certify that this water supply has fully complied with the public notification requirements in the Michigan Safe Drinking Water Act, 1976 PA 399, as amended, and the administrative rules. Reminder to water supplier: This notice/ certification must be sent to the DEQ.

Michael Glasgow ASSISTANT SUPERVISOR 1/2/15

Signature Title Date Distributed

City warns of potential health risks after Flint water tests revealed too much disinfection byproduct

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on January 02, 2015 at 9:09 PM, updated January 17, 2015 at 10:04 AM

FLINT, MI -- The city says there's been too much disinfection byproduct in Flint's water system recently, something that -- over many years could cause liver, kidney or central nervous system problems and an increased risk of cancer.

The notice from the city says Flint water is safe to drink but warns those with "a severely compromised immune system, (who) have an infant or are elderly" that they "may be at increased risk and should seek advice about drinking water from your health care provider."

For others, there is no need to boil water or take other actions, the notice says.

"It 's been a **rocky road**," City Council President Josh Freeman said. "It's not acceptable.

"People have a reasonable expectation that they are going to have quality drinking water. This is obviously going to rattle people."

Mailed Friday, Jan. 2, the customer notices come after the state Department of Environmental Quality issued a notice of violation of the Safe Drinking Water Act for maximum contaminant levels for trihalomethanes -- or TTHM -- a group of four chemicals that are formed as a byproduct of disinfecting water.

As city water plant operators used additional chlorine to fight bacteria in the Flint water system this summer, disinfectant byproduct levels also likely increased, city officials said Friday.

Levels of TTHM have decreased since that time, and in Nov. 20, testing at eight locations showed only one that exceeded maximum contamination levels, according to the state's notice of violation.

Testing on Aug. 21 showed contaminant levels were higher than maximum levels allowed at each of the same eight locations.

"The water in our system today is not in violation" because of efforts to improve the distribution system and adjust water treatment, said Doughtery Johnson, utilities administrator at the Flint water treatment plant.

Those changes "have likely contributed in part to the reduction in TTHM levels reported in the most recent

quarter, and suggest the city may be able to achieve compliance with the TTHM standard," the state's violation notice says.

City officials released a statement Friday saying its actions "appear to have corrected ... known compliance issues with the system, including a recent temporary increase in the maximum contamination level (MCL) of trihalomethanes (TTHM)

"Both the city of Flint and the MDEQ expect the corrective measures being implemented will resolve the issue by early 2015," the statement says.

The city's recent violation for excessive disinfectant byproducts is the latest in a series of issues for the Flint water system since officials **changed the water source** pumped to homes and business from treated Lake Huron water purchased from the city of Detroit to water drawn directly from the Flint River and treated in Flint.

The use of Flint River water is expected to be temporary because the city is a partner in the Karegnondi Water Authority, which is building a new water pipeline to Lake Huron.

Once that system is put into service, something that's expected to happen by the end of 2016, Flint will be in a position to return to using lake water.

Freeman said that long-term plan remains "the right path to be on" and said the city appears to be on course to fix the problem of disinfection byproduct levels, but Councilman Eric Mays called on the City Council to hold an inquiry about drinking water quality.

"Sworn information given under oath is the only information I trust," Mays said.

Residents have complained to the council about the smell and taste of the water since Flint stopped the flow of lake water here and there were three boil water advisories in a 22-day span this summer after positive tests for total coliform and fecal coliform bacteria.

In October, **General Motors announced** that it would no longer use treated river water at its engine plant here because of fears high chloride levels would cause corrosion.

Flint Department of Public Works Director Howard Croft said that the city's aging water distribution system remains the biggest obstacle to meeting Safe Drinking Water standards but officials have also said the relatively low quality of untreated river water and the need to more carefully manage chemical treatment has also been a factor.

Croft told a City Council committee in September that river water has proven hard to treat and to keep safe because of variables that wouldn't be factors in lake water, like temperature fluctuation and rain.

But Croft said the city has made improvements to its distribution system and said additional improvements are on the way, including pipe replacements, leak detection and hydraulic monitoring.

Johnson said the size of Flint's water system, which once served more than 200,000 people and now serves about half that number, also makes keeping water fresh in distribution pipes difficult.

Stagnant water is more susceptible to contamination, officials have said.

Flint will remain in violation of the Safe Drinking Water Act until every test site in the city has acceptable levels of disinfectant byproducts, Johnson and Croft said.

The next round of testing is scheduled to take place in February.

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EXHIBIT K

Lower TTHM levels put Flint in compliance with Safe Drinking Water Act

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on September 03, 2015 at 3:17 PM

FLINT, MI -- The city is no longer in violation of the federal Safe Drinking Water Act because the level of total trihalomethanes in water samples collected last month has fallen, the Michigan Department of Environmental Quality says.

The DEQ notified the city of the test results in a letter Wednesday, Sept. 2, ending eight months of the city under a violation of the act. The city will no longer have to send water customers warning notices about TTHM levels.

"Creative measures by the city have been successful in achieving compliance with this standard," reads the letter from Michael F. Prysby of the DEQ. "These measures have included replacement of anthracite filter media with granular activated carbon as well as the optimization of water treatment plant and distribution system processes and operations as recommended through operational evaluations conducted by the city.

"It is important that the city continue to follow these recommendations in order to limit disinfection byproduct formation and maintain compliance (with state requirements)," the letter says. "While (requirements have) now been met at all eight compliance sampling sites, an individual TTHM concentration above (80 parts per billion) was measured at one location ... in August 2015."

The location of the highest TTHM test in August was at Salem Housing, 3216 King Boulevard, which registered 90 ppb. Flint's violation of the federal law was the result of the annual average of TTHM above 80 ppb at a minimum of one of the eight testing locations.

City officials have said they expected improved TTHM levels after the installation of the new **$1.6 million carbon filter** this summer.

"The city of Flint is continuing to improve its water system, including both the areas of treatment and distribution," Mayor Dayne Walling said in a news release issued by the city Thursday, Aug. 3.

TTHM is a colorless, odorless byproduct of chlorinating water with high levels of total organic carbon. The city began having problems managing TTHM after it began using the Flint River as its water source in April 2014.

In past notices mailed to Flint water customers, the city has warned that drinking water with excess amounts of TTHM can pose increased health risks for those with a compromised immune system, the elderly, pregnant women and infants.

The good news on TTHM comes the day after researchers at Virginia Tech published an online report, saying tests show Flint **drinking water is "very corrosive"** and is "causing lead contamination in homes."

A statement from Walling on the lead issue says the city will work with the DEQ on a plan aimed at reducing the corrosive effects of water on older transmission pipes and home service lines.

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EXHIBIT L

(/lifestyle)

Scary: Leaded Water and One Flint Family's Toxic Nightmare

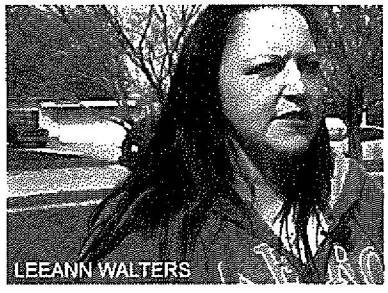
July 9th, 2015, 11:28 PM

Like 2 61

Curt Guyette is an investigative reporter for the ACLU of Michigan. His work, funded by a grant from the Ford Foundation, focuses on emergency management and open government. He writes regularly for Michigan Democracy Watch Blog. (http://www.aclumich.org/democracywatch/index.php/entry/hard-to-swallow-toxic-water-in-a-toxic-system)

By Curt Guyette

It took a while for LeeAnne Walters to realize the full impact of the number: 13,200.


LEEANN WALTERS

Walters—a stay-at home mom with four sons and a husband in the Navy—had seen other numbers reflecting the quality of drinking water at her Flint home that were devastating. But 13,200? She'd never seen anything like this.

The city had tested her water twice in this past March and both times found dangerously high levels of lead—104 parts per billion (ppb) and 397 ppb, respectively.

Those numbers filled her with dread, because they meant her family had been exposed to high levels of a terribly toxic heavy metal that put her children's future in jeopardy.

But it was the result of a third test of the tap water in her home, performed by independent experts at Virginia Tech University, that most stunned Walters.

"It took a while for me to wrap my head around it," said Walters.

The VT researchers discovered lead levels in Walters' water reached a jaw-dropping 13,200 ppb—more than twice the amount at which the U.S. Environmental Protection Agency classifies

water as hazardous waste.

"When I saw those numbers I was shocked," said Virginia Tech professor Marc Edwards, a former MacArthur Fellow and respected authority on corrosion in drinking-water systems, who oversaw the tests.

Edwards played a key role in discovering and addressing the problem of corroded water pipes and lead in Washington, D.C. during the early 2000s, in what's described as the *worst* contamination crisis ever seen in a major *urban* water system.

In terms of lead levels, the Walters family's numbers eclipsed even the worst D.C. homes.

"I have never in my 25-year career seen such outrageously high levels going into another home in the United States," said Edwards. "This was literally hazardous-waste levels."

But the condition of Walters' tap water raises a much more far-reaching question: Since the city moved away from Detroit's water system and began pumping water from the Flint River, how many other families have been put at risk by the city's questionable testing procedures and handling of the water supply?

The Walters family surely isn't alone in dealing with the threat of lead-laced drinking water. Flint has tens of thousands of homes that are a half-century old or older, built at a time when water service lines were typically made of lead.

And according to various experts, including an EPA water-quality specialist, the city's actions are only exacerbating the threat.

"What the public needs is accurate information," explained Miguel Del Toral, regulations manager for the Ground Water and Drinking Water Branch of the EPA's Region 5.

Instead, the city is utilizing testing measures that almost ensure that worst-case scenarios such as the one facing the Walters family escape detection, asserted Del Toral in an internal EPA memo provided to the ACLU of Michigan.

Compounding the threat is what Del Toral describes as the continued inability of officials to adequately treat water coming into people's homes from the Flint River.

"I don't want to scare people unnecessarily," said Del Toral in a phone interview from his home in Chicago. "But there is absolutely a problem in Flint that needs to be addressed right away."

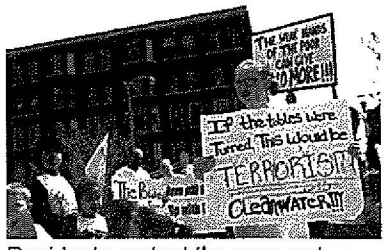
During his interview with the ACLU of Michigan, Del Toral said he was willing to go on the record with his concerns, but that he was doing so as a private citizen, not as a representative of the EPA.

EPA rules, he said, required that such interviews be routed through the agency's public affairs people. But he's willing to speak out nonetheless, he said, because of the potential harm to the public is so great.

WATERING DOWN THE TESTS

Perhaps the most vexing problem in all of this is the contamination caused by the city's decades-old network of lead and iron pipes—a problem directly connected to the switch to river

water, and the city's failure to adequately treat it.



Residents protest the poor water quality

Under the U.S. Environmental Protection Agency's rules, if lead reaches a level of 15 parts per billion in water, the source of the problem must be identified and corrected.

In early March, after months of requests (and only after Walters had received a doctor's note raising concerns about problems with the water), the city finally conducted a test. It found lead levels of 104 ppb the first time. A second test recorded a level of 397 ppb.

Blood tests, taken after those water-sample numbers were reported, revealed that one of her children, a four year old, had lead poisoning.

The news was devastating, said Walters, and the concern it creates for her child's future is haunting.

"Lead can affect almost every organ and system in your body," according to the EPA's web site. "Children six years old and younger are most susceptible ... Even low levels of lead in the blood of children can result in: behavior and learning problems; lower IQ and hyperactivity; slowed growth; and hearing problems."

Those dangers made Walters all the more determined to get her questions answered.

For one thing, she wanted to know why residents were being instructed to "pre-flush" water lines before drawing samples that would be tested by the city

After much searching, she found Del Toral at the EPA's Region 5 in Chicago. He explained to her that her instincts were right, and that she had good cause to be concerned about the way testing was being done.

"The practice of pre-flushing before collecting compliance samples has been shown to result in the minimization of lead capture and significant underestimation of lead levels in drinking water," wrote Del Toral in an internal memo dated June 24.

Del Toral went on to say that the city's testing methods were a "serious concern" because they "could provide a false sense of security to the residents of Flint regarding lead levels in the water." As a result, he warned, residents could fail to take the necessary precautions to protect their families from lead in the drinking water.

Virginia Tech's Edwards completely agrees with Del Toral's assessment.

"The net effect of a 'pre-flush' is to greatly reduce the likelihood of detecting lead in samples collected ... that would normally be present in the consumers drinking water," Edwards wrote in an email. "I have long maintained that the practice should be banned, as it artificially lowers the amount of lead detected in samples versus typical consumer exposure."

Asked about these concerns, city spokesman Jason Lorenz offered the following email reply: "While I cannot directly respond to Mr. Del Toral's remarks without first contacting the EPA

Region 5 office, I can say that the City of Flint follows all the testing procedures and schedules as required by the U.S. EPA."

He added that the Michigan Department of Environmental Quality (MDEQ) endorses the city's sampling method. The MDEQ did not respond to phone calls and e-mails seeking its comments on the controversy.

Del Toral contended in an interview that what Flint's doing is actually exploiting a "loophole" in the law.

"From a technical standpoint, there's no justification for the way Flint is conducting its tests," Del Toral said. "Any credible scientist will tell you [the city's] method is not the way to catch worst-case conditions."

There is no legitimate reason for the city's methodology, said Del Toral.

During his interview with the ACLU of Michigan, Del Toral said he was willing to go on the record with his concerns, but that he was doing so as a private citizen, not as a representative of the EPA.

EPA rules, he said, required that such interviews be routed through the agency's public affairs people. But he was willing to speak out nonetheless, he said, because of the potential harm to the public.

FLUSHING OUT REAL ANSWERS

It was Del Toral who, after determining that the lead problem plaguing the Walters family was coming from outside their home, connected LeeAnne with Edwards at Virginia Tech.

Instead of taking a single sample after a line had been "pre-flushed" under the city's direction, Edwards instructed Walters to collect a series of samples from water that had been allowed to sit in the service line long enough to accurately reflect levels the family could be exposed to under normal use.

(Meanwhile, that same service line, dug up and replaced after the sample collection, was found to be made of lead in one section and iron in another.)

Edwards tested the water and discovered that the lead contamination ranged from 200 ppb to the 13,200 ppb figure that stunned LeeAnne Walters—and should likewise shock many others.

Given the age of much of Flint's infrastructure, Edwards agrees with Del Toral's assessment that the test results they found at the Walters home amount to an alarm going off, and others in the city need to pay attention.

"I do not see any reason why there would not be serious problems occurring in at least some other Flint homes," said Edwards.

In 1986, the U.S. Safe Drinking Water Act was amended to prohibit the use of lead pipes in public water systems. Every house built before that is potentially at risk, said Edwards. About half of Flint's roughly 40,000 homes are at least 50 years old.

Making things worse is the fact that the high levels of chlorine being used to treat Flint's dirty river

water lead to the creation of a carcinogenic byproduct know as total trihalomenhanes, or TTH?M. To keep TTHM levels down, the city is adding ferric chloride. The trouble is, that additive can also accelerate the corrosion of lead and iron pipes.

Adding yet another layer to the problem is something the city is *not* doing.

According to Del Toral, Flint should be adding corrosion-control chemicals designed to help keep lead and copper in pipes from leaching into drinking water. Doing so is required by federal regulations, wrote Del Toral in his memo.

"To our knowledge, that is inaccurate," said Flint spokesman Lorenz. "Before the plant was placed in operation, the City (and our engineering firm) had numerous discussions with DEQ personnel and inquired if corrosion-control chemicals – typically phosphates --needed to be included in the treatment process. The use of these chemicals was not required or mandated."

What's indisputable is this:

Flint's water contained corrosion-control chemicals until April 2014, when Flint's ties to the Detroit water system were severed. Flint officials hailed that changeover as a cost-cutting move for a city facing a financial crisis so severe it had been placed under the control of a state-appointed emergency manager.

Discontinuing the use of the anti-corrosion chemicals allowed toxic scale built up on the insides of pipes over the past decades to be released into water flowing into people's homes, explained Del Toral.

In his memo, Del Toral warned: "The lack of mitigating treatment is especially concerning as the high lead levels [that result] will likely not be reflected in the City of Flint's compliance samples due to sampling procedures used…"

In other words, at the same time the city is exacerbating the problem, it's conducting tests that will probably fail to identify the true extent of the threat.

Del Toral described the situation as a "major concern."

"In the absence of any corrosion control treatment, lead levels in drinking water can be expected to increase," he warned in his memo.

The EPA offered Flint officials the use of agency experts to help get the situation under control, said Del Toral, but added that, to his knowledge, the city has so far declined all help.

LeeAnne Walters said that when she asked why city officials weren't taking the EPA's offer of assistance, she was told, "We don't need it."

Flint spokesman Lorenz, on the other hand, maintained that "the city continues to work closely with the MDEQ and the EPA Regional Office."

As for Walters's family, that the city has finally replaced the service line leading to their home, and lead levels have dropped below the 15 ppb EPA action level.

The problem now, she said, is that water currently coming out of her tap tinged yellow and smells of rotten eggs. City officials have given her no explanation as to the possible cause of that.

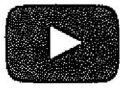
It is just one more in a long list of questions that need to be addressed.

"What we need," said Walters, "are more answers."

But it's not just answers the people of Flint require.

They also need solutions. And, as Del Toral's EPA memo emphasizes, they need them immediately.

Corrosive Impact: Leaded Water & One Flint Family's T...



Read more: Michigan Democracy Watch Project (http://www.aclumich.org/democracywatch/index.php/entry/corrosive-impact-leaded-water-and-one-flint-family-s-toxic-nightmare)

Lead leaches into 'very corrosive' Flint drinking water, researchers say

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on September 02, 2015 at 5:41 PM, updated September 03, 2015 at 9:01 AM

Flint Journal file photo

FLINT, MI -- Flint drinking water is "very corrosive" and "causing lead contamination in homes," researchers from Virginia Tech University reported online Wednesday, Sept. 2.

"On a scientific basis, Flint River water leaches more lead from plumbing than does Detroit water," the report concludes. "This is creating a public health threat in some Flint homes that have lead pipe or lead solder."

The Virginia Tech report comes as students there, overseen by Professor Marc Edwards, are in the final days of testing water collected from 300 sample kits distributed to Flint residents.

On Monday, Aug. 31, the researchers reported 42 percent of 120 initial samples from Flint had lead levels that were more than 5 parts per billion, "which suggests a serious lead-in-water problem, according to our experience and criteria."

Virginia Tech was initially contacted by a Flint resident who had concerns about lead in **Flint water**. It has been working with citizen groups in Flint such as Water You Fighting For.

Twenty percent of the first samples also exceeded the U.S. Environmental Protection Agency lead action limit of 15 ppb, the report said.

The EPA requires water systems like Flint's to collect tap samples from sites that are more likely to have plumbing materials containing lead.

If more than 10 percent of samples exceed 15 ppb, then water systems are required to take action, including steps to optimize corrosion control treatment.

Lead is a toxic metal that was used for many years in products found in and around homes, according to EPA.

"Even at low levels, lead may cause a range of health effects, including behavioral problems and learning disabilities," EPA's website says. "Children 6 years old and under are most at risk because this is when the

brain is developing."

The Virginia Tech report on Flint River water comes two days after representatives of three organizations delivered more than 26,000 online **petition signatures to Mayor Dayne Walling**, demanding the city end its use of the Flint River and **reconnect the city to the Detroit water system**.

The petition language says high lead levels are one reason the city should no longer use the river as a drinking water source.

Walling and Department of Public Works Director Howard Croft issued statements in response to questions about lead in Flint water Wednesday after Croft declined to discuss the issue in a news conference Tuesday.

Flint spokesman Jason Lorenz said the two would not comment further Wednesday.

"The city of Flint is currently in compliance with the safety mandates of the Michigan Department of Environmental Quality and continues to work with them to stay in compliance with all safety and quality standards," Croft's statement said. "We have also been in constant contact with Virginia Tech, sharing information as it becomes available."

Walling, who has supported Flint's continued use of the Flint River as a drinking water source, said, "Lead can be a concern in communities with older public and private infrastructure.

"The city of Flint has offered free and independent testing to residents since spring, and I encourage people to use this service if they have questions," Walling's statement said.

Edwards, a professor of civil and environmental engineering, said the elevated lead levels he has seen in Flint tap water are tied to a corrosive water source that contains about eight times more chloride than Detroit water does.

"Chloride is generally considered to be very corrosive to iron. For instance, chloride present in road salts applied in the winter causes iron in cars and bridges to rust," the Virginia Tech team's website says.

"This could be a huge public health problem. ... The Flint water just ate the pipe up," Edwards said of the testing he has overseen so far.

In the testing, researchers took copper pipe pieces joined with lead solder inside them, according to the report, which says lead solder is probably present in plumbing systems of many Flint homes built before 1986.

Lead solder-copper pipe test pieces were placed in containers filled with water from Detroit and Flint in the experiment, according to the report.

"If it were me, I would not be using (Flint River water) for cooking or drinking unless I had it tested for lead," said Edwards, who previously mounted a six-year campaign that succeeded in forcing the U.S. Centers for Disease Control and Prevention to admit it had misled the public about the risk of lead in the Washington, D.C., area's drinking water, according to The Washington Post.

"Bottled or filtered water (is what I would use for) children under 6 years old or if I was pregnant," he said.

Brad Wurfel, communications director for the state Department of Environmental Quality, said the preliminary water testing results from Virginia Tech don't jibe with two separate rounds of testing during the past year by the city.

That testing indicated "Flint drinking water meets state and federal safe drinking water standards," Wurfel said.

Wurfel said lead levels detected in testing are not the result of water containing lead when it leaves Flint's treatment plant. But he said the state "has requested Flint optimize its water treatment to further limit exposure to lead from plumbing in homes."

The concerns about lead are the latest challenge for the Flint water system since the city started using the Flint River to replace Lake Huron water sold by the city of Detroit in April 2014.

Since the switch, the city has been plagued by issues such as water main breaks and boil water advisories because of bacteria and has been in violation of the Safe Drinking Water Act because of high levels of total trihalomethanes (TTHM), a byproduct of chlorinating river water.

The Rev. Allen Overton, who hand-delivered petitions to Walling on Monday, asking that city officials reconnect the Flint water system to Detroit, said Wednesday that the Virginia Tech experiment is more evidence Flint is not using the best quality of water available.

"We have a major health issue here, (and) they are not being honest with the citizens of Flint," Overton said.

City Council President Josh Freeman said the city has been willing to provide customers with free water testing and has taken action — such as installing a new $1.6 million filtration system — to address problems such as TTHM.

Councilman Eric Mays said, as more water testing is done, it becomes clearer that Flint should be negotiating with Detroit for a new, short-term water contract as work continues on the Karegnondi Water Authority pipeline.

The pipeline, a partnership between the city and Genesee County, is expected to bring untreated Lake Huron

water to Flint at some point in 2016.

"They are trying to make the water safe by trial and error," said Mays, who called Flint's water situation "a disgrace."

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Menu

Home (http://flintwaterstudy.org/) Test Update: Flint River water 19X more corrosive than Detroit water for Lead Solder; Now What?

Test Update: Flint River water 19X more corrosive than Detroit water for Lead Solder; Now What?

September 11, 2015 (http://flintwaterstudy.org/2015/09/test-update-flint-river-water-19x-more-corrosive-than-detroit-water-for-lead-solder-now-what/) Siddhartha Roy (http://flintwaterstudy.org/author/flintwaterstudy/) Articles (http://flintwaterstudy.org/category/articles/), Research Updates (http://flintwaterstudy.org/category/research-updates/)

We are now three weeks into our laboratory experiment w.r.t. testing the relative corrosivity of Flint River water versus Detroit water (http://flintwaterstudy.org/2015/09/flint-rivers-water-is-very-corrosive-to-lead-and-causing-lead-contamination-in-homes/). As the test continues, it becomes a more accurate measure of the relative corrosivity of the two waters. We previously noted, that it would be expected that Flint River water would be much more corrosive than Detroit water, due to its higher chloride content.

Experiment: When we visited Flint, we took pieces of copper pipe joined with lead solder (old solder is 50% lead by weight (http://www.copper.org/environment/water/e_p_lead.html)) inside them. Lead solder is probably present in the plumbing of many Detroit/Flint homes built before 1986 when it was banned from use in drinking water systems (http://www.copper.org/environment/water/e_p_lead.html). We put the lead solder-copper pipe test pieces in 250 mL containers, and filled them with the following three waters:

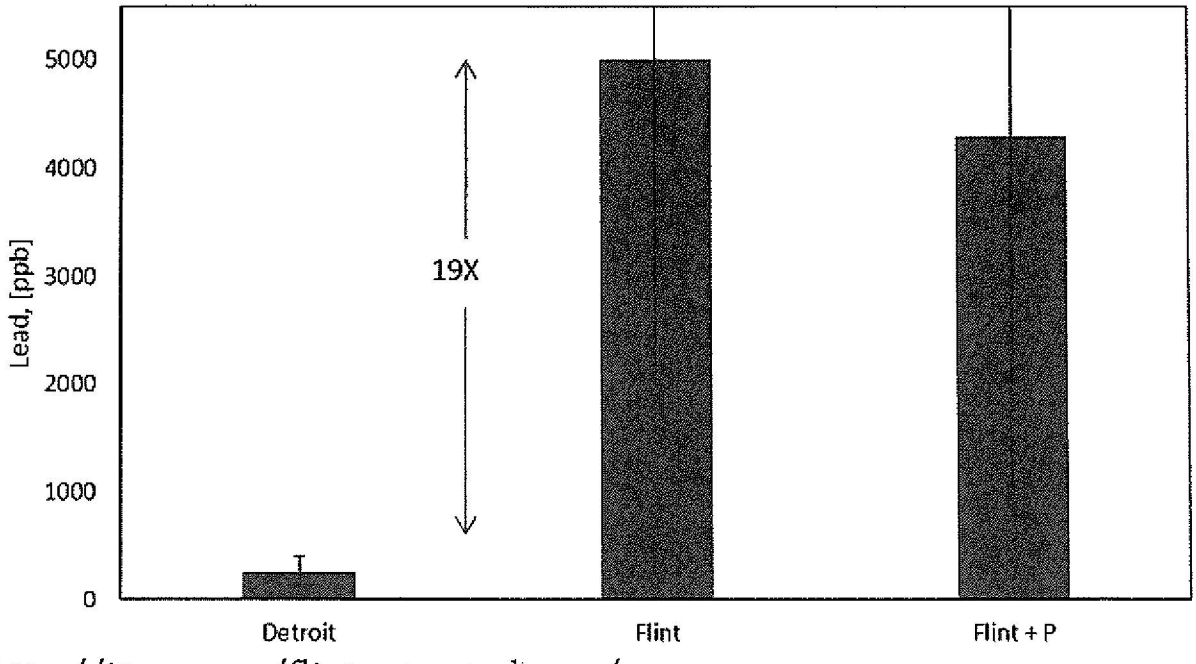
Test 1) Detroit water

Test 2) Current Flint River water

Test 3) Current Flint River water with orthophosphate (a typical corrosion inhibitor (http://www.lenntech.com/products/chemicals/water-treatment-chemicals.htm#Corrosion%20inhibitors))

Test 3 was conducted, to see if ***adding orthophosphate to Flint River water would stop lead corrosion.*** About 50% of water companies in the U.S. add orthophosphate to their water to control lead corrosion, but it is not currently added to Flint River water.

Results and Observations:



(http://i2.wp.com/flintwaterstudy.org/wp-content/uploads/2015/09/update.png)

Figure 1 – Data from Week 3 comparing lead corrosion in Detroit water (left), current Flint water (middle), and Flint water with orthophosphate (right)

From the data shown above in Figure 1, it is clear that Detroit water is much less corrosive to lead solder than the Flint River water. **On average, Detroit water is 19 times (or 19X) less corrosive than the Flint River water currently in use.** That is, the current Flint River water leaches 19X more lead to the water than Detroit water. This explains why the lead in Flint's water in our survey, is so high, (http://flintwaterstudy.org/information-for-flint-residents/results-for-citizen-testing-for-lead-300-kits/)even when it was low before when Detroit water was being used.

We can actually still see the high lead in the Flint River water test by eye (i.e. as white particles suspended in the water (http://flintwaterstudy.org/2015/09/flint-rivers-water-is-very-corrosive-to-lead-and-causing-lead-contamination-in-homes/)). Lead levels in our test with Flint River water, were slightly above hazardous waste levels (5000 ppb), which is still lower than the worst levels of lead we detected in the

home of Flint resident Lee-Anne Walters (http://flintwaterstudy.org/2015/08/hazardous-waste-levels-of-lead-found-in-a-flint-households-water/).

Orthophosphate still does not seem to help stop lead leaching in Flint River water, which is also consistent with expectations based on experiments in high chloride water (http://www.sciencedirect.com/science/article/pii/S0010938X11000382). There is a slight improvement, but even with phosphate, Flint River water has 16 times more lead compared to the same condition using Detroit water. We will continue to run these tests, but at present it does not seem like orthophosphate will provide a quick answer to the very high lead levels in Flint water.

Conclusion: On a scientific basis, Flint River water leaches more lead from plumbing than does Detroit water as predicted before (http://flintwaterstudy.org/2015/08/why-is-it-possible-that-flint-river-water-cannot-be-treated-to-meet-federal-standards/). **This is creating a public health threat in some Flint homes that have lead pipe or lead solder. Unfortunately, adding orthophosphate corrosion inhibitor to the Flint River water, does not solve the lead problem.**

PRACTICAL IMPLICATIONS

We believe, that in the weeks and months ahead, MDEQ and Flint will be forced to admit they failed to protect public health as required under the Federal Lead and Copper Rule. The question that will then be asked is "What can be done to protect residents?"

Step 1: Issue Scientifically Sound Advice.

The first step is to admit that **the water in Flint is not safe for cooking or drinking** (http://flintwaterstudy.org/information-for-flint-residents/results-for-citizen-testing-for-lead-300-kits/)— a fact that MDEQ still denies. According to MDEQ statements provided to reporter Ronald Fonger this week, which were presented to us for comment, MDEQ's Brad Wurfel asserts that:

> ***"the issue here isn't Flint's water source or water plants. It's the high number of older homes with lead pipes and lead service connections....Folks who have concerns should get a water specialist to take a look at their home and see what they need to do to achieve peace of mind, because lead and copper are home plumbing problems that no water source can eliminate entirely."***

We note that this is the exact same position that MDEQ and the city took months ago, after Lee-Anne Walters' child was lead poisoned from exposure to high lead in Flint water (http://www.abc12.com/home/headlines/Flint-mother-said-the-water-gave-her-son-Lead-poisoning-324496551.html). After MDEQ and the City blamed Ms. Walters home plumbing for the problem, an EPA water specialist did come to her home and inspected her plumbing. His finding: There were no lead plumbing sources in her home (http://www.aclumich.org/sites/default/files/file/EPAWaterReport062415.pdf). How does that finding, provide Ms. Walters and other Flint residents, with "peace of mind?"

Likewise, during our sampling events in Flint homes (http://flintwaterstudy.org/information-for-flint-residents/results-for-citizen-testing-for-lead-300-kits/), we are finding very high lead in other homes with modern lead free plumbing, which again points to city owned lead pipes and corrosive water as the problem.

> On the basis of these facts, we consider MDEQ's position to be both unscientific and irresponsible, and we stand by our recommendations to Flint consumers, that they immediately reduce their exposure to high lead in Flint's water by implementing protective measures when using tap water for drinking or cooking.

Step 2. Implement Corrosion Control.

The second step will ultimately require some sort of corrosion control treatment to reduce lead in Flint water. Three options are possible as detailed below:

1. **Switch back to the non-corrosive Detroit water.** It is our opinion, based on years of experience, that Flint's lead levels would drop markedly in about one month.
2. **Add orthophosphate to Flint River water.** As indicated in this work, orthophosphate will not reduce lead leaching from all lead plumbing sources. On the basis of our extensive experience, we would only expect modest improvements to water lead levels if orthophosphate was added.
3. **Wait for KWA pipeline.** If orthophosphate was added to water from the KWA pipeline, it would be about the same corrosivity as Detroit water (Option A). In that case, Flint residents will have to live with the very high lead in their water, until at least one month after the pipeline is connected.

Politicians and residents will ultimately have to look at which of the above options is best for Flint, after weighing feasibility and costs.

Experiments and analysis: Christina Devine

Primary Author: Dr. Marc Edwards

Acknowledgements: Siddhartha Roy

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Why is it possible that Flint River water cannot be treated to meet Federal Standards? (http://flintwaterstudy.org/2015/09/is-it-possible-that-flint-river-water-cannot-be-treated-to-meet-federal-standards/)
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Senate Democratic Leader Jim Ananich (District 27) and state reps send a letter with "urgent questions" on Flint's water to MDEQ (http://flintwaterstudy.org/2015/09/senate-democratic-leader-jim-ananich-district-27-and-state-reps-send-a-letter-with-urgent-questions-on-flints-water-to-mdeq/)

Our VT Research Team wins $50,000 grant from the National Science Foundation to study Flint water (http://flintwaterstudy.org/2015/09/our-virginia-tech-research-team-wins-a-50000-grant-from-the-national-science-foundation-to-study-flint-water/)

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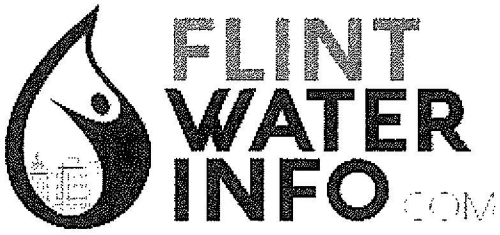

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Lead levels in Flint water spiked after switch to river, state records show

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on September 19, 2015 at 5:50 AM, updated September 19, 2015 at 7:59 AM

Flint Journal file photo

FLINT, MI -- City officials insist their own testing shows Flint water is **safe** and within federal guidelines for lead.

But those same tests also show lead levels have been rising since the city began using the Flint River for water 16 months ago.

The results of Flint's testing for lead since 1992, released by the state Department of Environmental Quality to The Flint Journal-MLive, show 10 percent of homes sampled in the city's most recent testing contained 11 parts per billion or more of lead, with six of 69 samples exceeding the federal lead limit of 15 ppb.

Those are the highest lead levels measured in Flint by the city in more than 20 years, the state data shows.

In contrast, the city's tests of Lake Huron water from Detroit for one 10-year period -- from June 2001 until September 2011 -- resulted in just one of 155 samples registering higher than 15 ppb of lead.

Flint began treating river water in April 2014 after Detroit terminated an expired contract for selling water to the city. The cutoff came after Flint joined Genesee County to form the Karegnondi Water Authority, which is building a new pipeline to Lake Huron, a project that's expected to be completed sometime next year.

City and state officials have pointed to their own testing as evidence that Flint water is safe and under the 15 ppb limit, but have said little about the lead level drifting up.

Marc Edwards, who is supervising separate water **testing in Flint by Virginia Tech University**, said there's no mistaking the pattern.

"The Flint River -- based on the chemistry -- has an obvious propensity for lead to be released to water," Edwards said. "There should have been red lights flashing (when the city began using the river in April 2014) -- knowing that if you put that water into Flint's system without corrosion control, you're going to see a massive lead release."

That release is what Edwards' testing has shown as 10 percent of homes sampled by students and faculty from Virginia Tech have had lead levels of at least 25 ppb.

Since the testing started, Mayor Dayne Walling announced Flint would speed up development of a plan for reducing corrosiveness of city water and called for $10 million in state funds to begin replacing lead and lead solder in water service lines and plumbing.

Flint Department of Public Works Director Howard Croft would not attribute higher lead levels to the river alone, but said the source of the water is one variable as is the amount of time water is stagnant in pipes.

"Lead is in there. It's always been there," Croft said. "We would like there to be no lead, (but) I'm happy how aggressively we are responding" to what the city has.

Steve Busch, Lansing and Jackson district supervisor in the DEQ's office of drinking water and municipal assistance, said lead testing results vary in many areas and a shift doesn't necessarily show Flint River water is more susceptible to higher lead levels than lake water.

"We see numbers fluctuate with the same treatment and the same water," Busch said. "We have levels go up and down from monitoring round to monitoring round."

Lead is a toxic metal that was used for many year in products found in and around homes, according to the U.S. Environmental Protection Agency. Even at low levels, lead may cause health effects such as behavioral problems and learning disabilities.

Current regulations for lead in water began in 1992 and require a limited amount of testing to measure the degree to which lead leaches into tap water after flowing through lead service lines and lead solder in home plumbing.

If more than 10 percent of tap water samples from water systems exceed 15 ppb, the water system can be required to take steps like making water less corrosive or replacing lead service lines.

Since the EPA announced its lead and copper rule in 1991, Flint has collected 33 samples every six to 36 months but the number of tests increased after the city changed its water source to the river,

according to state data.

State records show 100 samples were collected from Flint in the last six months of 2014, showing two sites with readings of more than 15 ppb of lead and 10 percent of homes registering at 6 ppb or more.

From January until June this year, the city collected just 69 samples, a reduction that was allowed because Flint's population had dropped below 100,000, Busch said.

The last time testing by the city showed a higher percentage of water samples above 11 parts per billion was 1992, immediately after new lead and copper rules went into effect.

In that case, the city of Detroit took five years to develop a plan to better control corrosion and lead levels and brought lead levels down from a high of 15 ppb in 10 percent of samples taken in Flint.

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EXHIBIT M

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Flint pediatricians raise alarm about lead levels in city water

By SARAH HULETT (/PEOPLE/SARAH-HULETT) • SEP 24, 2015

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Water samples from Flint, on the left, and Detroit.

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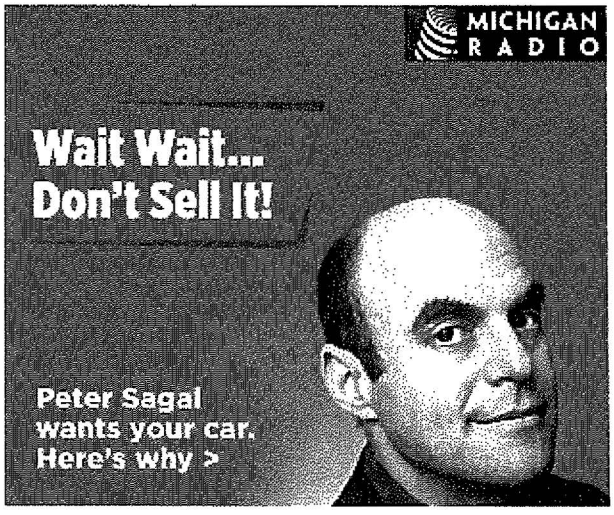

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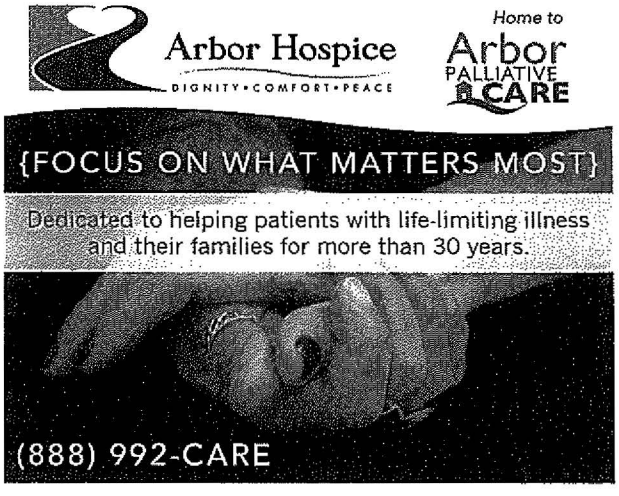

The water in Flint is likely poisoning kids.

That's what pediatricians in the city say, after looking at lead levels in young children before and after the city switched the source of its drinking water from the Detroit water system to the Flint River.

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There's a long list of complaints about Flint's water. But physicians are really concerned about this one.

"My research shows that lead levels have gone up. I cannot say it's from the water, but that's the thing that has happened," said Dr. Mona Hanna-Attisha, a pediatrician with Hurley Children's Hospital.

Hanna-Attisha says she decided to look into blood-lead levels after researchers from Virginia Tech found elevated lead levels in tap water due to the corrosive nature of the river water.

She analyzed blood test results of 1,746 children age five and younger from Flint, and 1,670 non-Flint children. Before the switch, 2.1% of Flint children had elevated blood lead levels. After the switch, that rate jumped to 4%. By comparison, the rate for non-Flint children went from .6% to 1%, which Hanna-Attisha says is statistically insignificant.

She calls the city's response to water quality problems "inadequate," and says precautions need to be taken immediately.

"Because the impact of not doing anything will haunt us for years to come," says Hanna-Attisha, citing interventions like special education, lost productivity, and incarceration costs associated with high lead levels. "The cost will be astronomical in decades to come. So we cannot wait until this year or next year. We have to think five years from now, ten years from now."

Hanna-Attisha and other physicians are urging the city to issue an advisory about how to minimize exposure to lead in the water. The county health department says it's drafting that advisory now.

The news about the elevated lead levels did not surprise Lee Anne Walters. She found out her son had alarmingly high lead levels in April of this year.

"I kept talking to the doctors, trying to figure out why he wasn't growing," says Walters. "He was 27 pounds at four years old. His hair was thinning, breaking out in rashes."

Walters says her son would get a rash when he took baths. There would be a line on his body that corresponded with where the bath water ended. Above it, his skin was fine. Below it, where his skin was underwater, he'd get a rash.

"The doctors in the city gave me a hard time testing my kids," says Walters. "I took them out the city to a dermatologist down in Brighton, who ran the test and called me personally to tell me that he did have lead poisoning and anemia from the lead poisoning, and he's having speech problems."

It turns out the rash was probably from a chlorine byproduct the city had to dump into the river water to kill the E. coli that had made people sick the summer before.

People knew that chemical – it's called TTHM – was a problem. But lead wasn't on many people's radar until a guy named Marc Edwards came to town.

"I want them to take responsibility. I want them to quit poisoning their citizens."

Edwards is a researcher from Virginia Tech. His tests of Flint tap water found lead levels in some homes that were higher than federal regulators allow – and a lot higher than the city found in the tests it conducted. He says the river water is so corrosive it's eating the lead from old pipes and solder.

"That's why we are actually asking for funding to help with infrastructure," said Flint City Administrator Natasha Henderson. "It's not a secret that the city is very financially distressed."

Henderson and other city officials say they're working with state and federal regulators to get a handle on the problem.

But they're quick to point out that the city's own tests show it's in compliance with the Safe Drinking Water Act.

But activists say they don't trust how the city arrived at that conclusion, and point to the Virginia Tech results as evidence that the city has been conducting flawed testing.

"I want them to take responsibility," says Lee Anne Walters, the mother whose son has experienced health problems since the switch. "I want them to quit poisoning their citizens."

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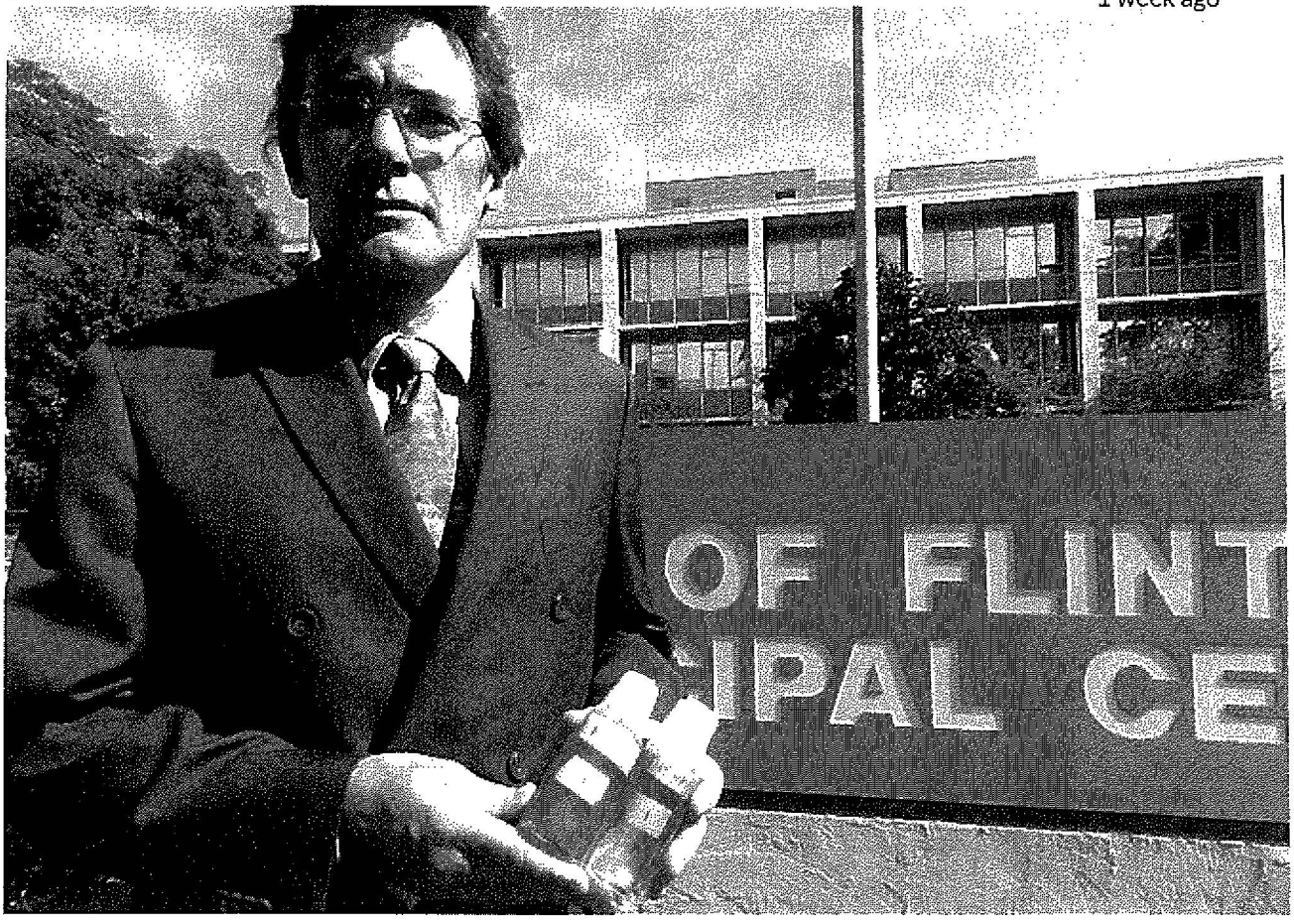

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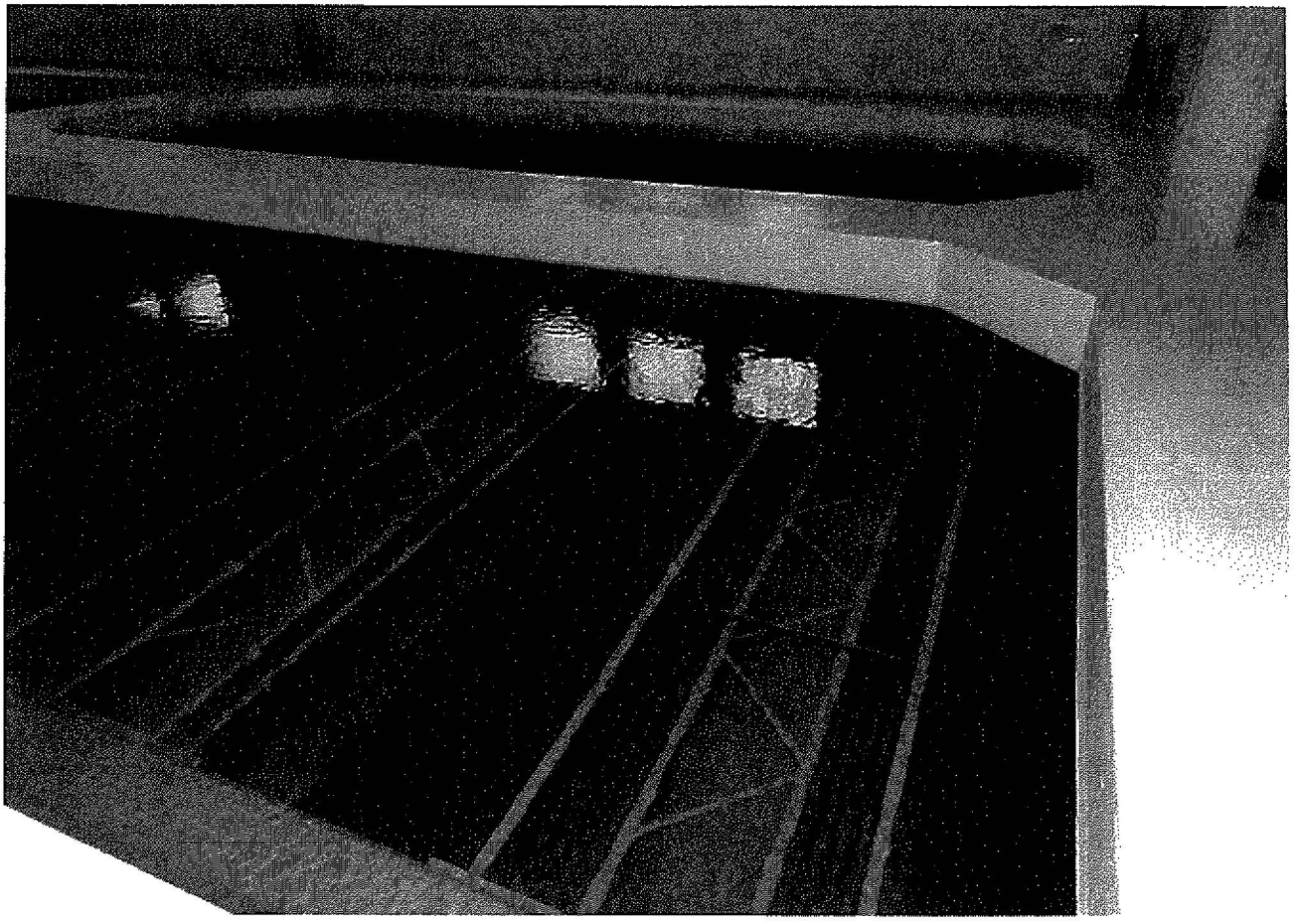

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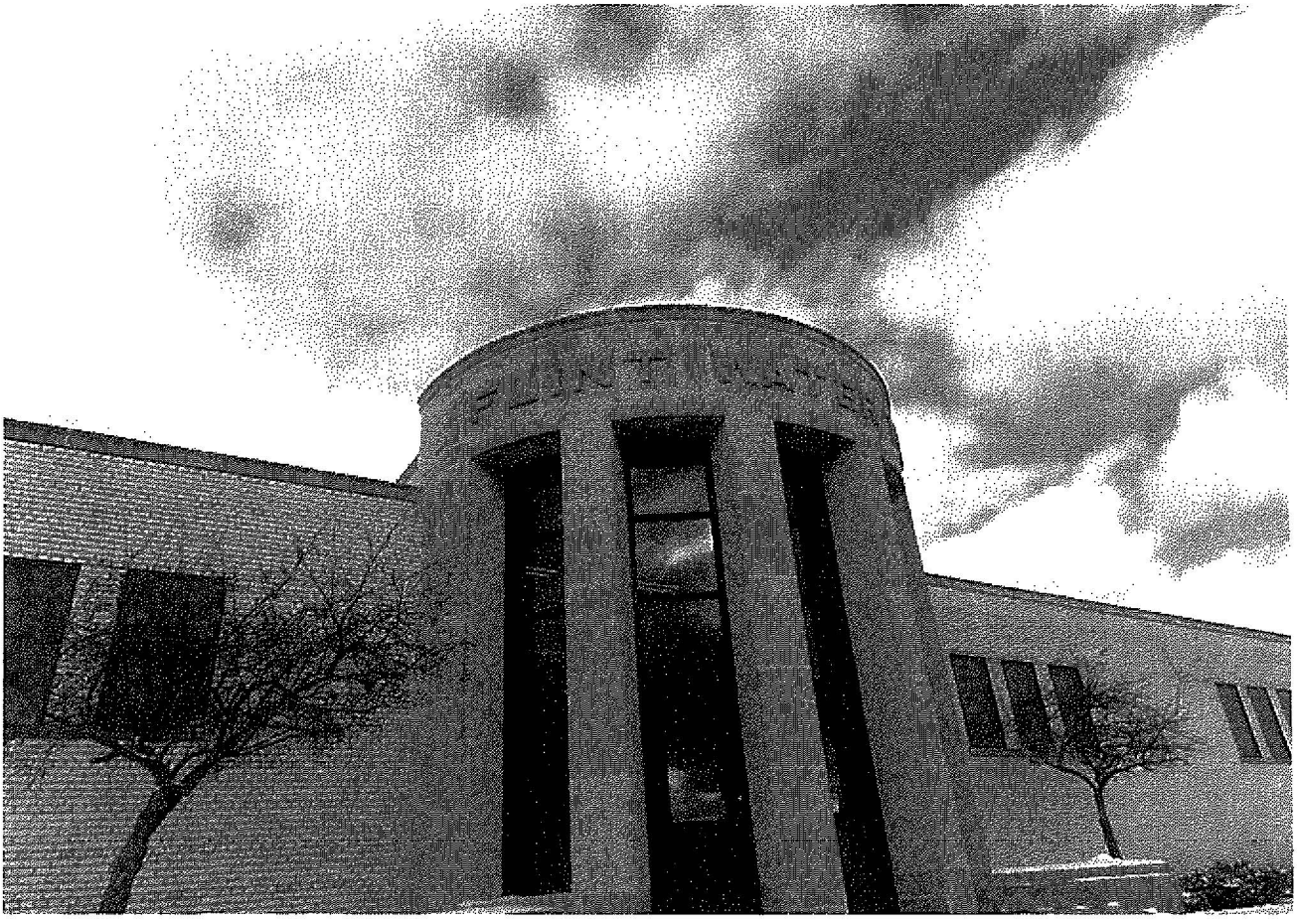

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michigan man · [illegible]

Let's be clear...this situation is at least partly a result of massive cuts in state revenue sharing, which led the city to take dramatic steps to cut its costs...and now people are paying the price. But hey, we cut taxes at the state level (and our per cap income is still in the bottom 15 in the nation).

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Allison MacArthur-Ruesink · [illegible]

This has nothing to do with Cost Cuts. The MDEQ is rife with corruption. perhaps the "employee" who had oversight of this facility was also hired and promoted based upon a family connection with a member of the Water Division's "Hot Tub Club" instead of experience and education!? I complained about the problems as far back as the early 2000's, even to Governor Grandholm's husband via Reading for Leading. Nothing was corrected !! Employees who speak out are harassed mercilessly and even worse as in my case. When I did not voluntarily retire after being asked 3x by MDEQ's Jon E. Russell, he conspired and fabricated a case to get rid of me!! I took a polygraph from Forensic Polygraph Services (Mr. Neil Myers) to prove I was telling the truth

but Michigan's corrupt Attorney General Bill Schuette and his equally corrupt Assistant AG Joseph Yung-Kung Ho (P-77390) have denied me any measure of Justice!! It is not a coincidence that the Judge involved with my case Thomas Wilson Jackson County Michigan used to work for the AG's Office. Everything was filed in a timely manner!! The MDEQ have even refused my receiving copies of my OWN PERSONNEL FILE! This is Michigan's way of saying "Thanks for 30 years of Service" They pulled this BS 65 days before my 55th birthday so they could deny my collecting my Retirement Benefits before age 60. Does someone have to die before the Bureaucracy cleans its own house?! Read "Well of Lies" about how inept and unqualified public servants who are unqualified or just plain corrupt, can injure innocent people!!

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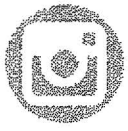
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Doctor: Lead seen in more Flint kids since water switch

By Robin Erb, Detroit Free Press 6:44 p.m. EDT September 25, 2015

Number of Flint children with lead poisoning jumps after Flint water switch, says researcher.

(Photo: Ryan Garza, Detroit Free Press)

Flint's ongoing water woes are now associated with an immediate and irreversible danger — possible lead poisoning of some of the city's children, according to a review of blood test results by a Hurley Children's Hospital pediatrician.

"I was hoping not to find anything, but what we found ... is concerning," said Dr. Mona Hanna-Attisha who also leads the pediatric residency program at Michigan State University's College of Human Medicine.

"This is not something you mess around with," she said. "Our population already has so many issues from poverty, from unemployment, from violence."

State officials say their own review of blood test results have not shown the same increase that Hanna-Attisha found. Moreover, water tests have similarly shown lead within federally accepted levels, they say.

Hanna-Attisha examined results from blood samples of Genesee County children taken both before and after the city ended its water contract with the Detroit Water and Sewerage Department (http://www.dwsd.org/)and began pulling water from the Flint River.

The number of Flint children with elevated blood-lead levels — 5 micrograms per deciliter or more — jumped from 2.1% in the 20 months prior to Sept. 15, 2013, to 4.0% between Jan. 1 and Sept. 15 this year. In certain ZIP Codes, the change was even more troubling, she said — jumping from 2.5% of the children tested to 6.3%.

Blood is often drawn by pediatricians as part of routine lead-level testing, especially among children who are on Medicaid. That gave Hanna-Attisha 1,746 test results from Flint children to compare against 1,640 results from elsewhere in Genesee County. Children in Genesee County outside of Flint showed no significant increase in blood-lead levels.

Health officials have said no lead levels are safe (http://www.cdc.gov/nceh/lead/). Lead can lead to serious developmental problems, reducing a child's IQ and causing serious behavioral and emotional problems. Though levels can fall in individuals over time, the damage is permanent.

If Hanna-Attisha's analysis is correct, this upward trend in Flint interrupts years of progress in reducing dangerous blood-lead levels.

State data show that the percentage of children with elevated blood lead levels have been falling for years. In fact in 2013, 3.6% of Flint children younger than 6 had elevated blood-lead levels, compared with the state-wide rate of 3.9%.

Though Hanna-Attisha's review didn't try to determine cause, "we can't think of another reason" for the trend other than the change in Flint's water source.

The review is sure to ratchet up tension in Flint.

In 2014, city officials ended the city's contract (/story/news/local/michigan/2015/01/22/water-woes-latest-hit-flint/22193291/) with the Detroit Water and Sewerage Department (http://www.dwsd.org/), saying that water costs were too high. They opted instead to pull from the Karegnondi Water Authority, which is building a system to supply Genesee County with water pulled from Lake Huron. In the long run, this will mean lower water costs, officials have said.

But until the new system comes online in 2016, Flint is temporarily pulling water from the Flint River. Since it made the switch, residents have complained that the water smells, is discolored and makes them sick.

Soon after the switch, tests indicated the presence of coliform bacteria, which can suggest the presence of other disease-carrying pathogens. The water was then treated with disinfectants, and city officials maintain the water is safe.

The question is not that whether there is a higher level of lead in water from the Flint River — it's that river water may be more corrosive as it travels through lead pipes on residential properties and in homes, said Brad Wurfel, a spokesman for the Michigan Department of Environmental Quality. About 15,000 of the 40,000 Flint customers have lead pipes connecting to the city system, he said.

But he said testing has shown that lead levels in the Flint water system — both before and after the switch in 2014 — have been under the acceptable limit of 15 parts per billion during every three-year testing cycle since 1992. Additionally, two rounds of supplemented tests since the system switch put

lead levels at 6 parts per billion and then at 11 parts per billion — a change that Wurfel said fits in line with previous fluctuations.

Congressman Dan Kildee, a Flint Democrat, called state and local testing "lackluster."

For one thing, Flint residents collect samples, and there are concerns that there are too few samples and that they represent only some parts of the city. And Wurfel confirmed that about 60 bottles of water samples were turned in by citizens in the last round of testing, even though 200 bottles were sent out.

In the best of circumstances — with enough sampling and previous clean tests of water — citizen sampling might be adequate. But, in Flint — where there's a major change in the system that some residents say have led to health problems, "it seems to be a much higher standard would apply," Kildee said.

In addition to water testing, Wurfel a said state public health officials have reexamined results of blood-lead level testing among Flint children. In short, that data doesn't show the same upward trend that Hanna-Attisha's found, he said.

Wurfel said environmental officials aren't taking the matter lightly, and they realize the water system is in "dire" need of an overhaul. They've requested a meeting with U.S. Environmental Protection Agency authorities to "review protocols" to make sure the state's testing is adequate.

"Lead is serious. Lead builds up. Lead effects children. It's not something we take lightly," he said. "We're confident with what we've done, but we know there are concerns."

Angela Minicuci, a spokeswoman for the Michigan Department of Health and Human Services, any increase in the past year in blood-lead levels among Flint children is attributed to predicable seasonal spikes.

In the year preceding the change in the water system, 95 Flint children younger than 16, or 2.4% of those tested, had elevated blood-lead levels, according to state data. The following year, 123 children, or 3.2%, of those tested had elevated blood-lead levels.

There is "cause for concern in Flint," but it cannot be attributed to the water, she said.

Contact Robin Erb: rerb@freepress.com (mailto:rerb@freepress.com) or 313-222-2708. Follow her on Twitter @Freephealth. (https://twitter.com/FreepHealth)

Free Press staff writer Kristi Tanner contributed to this report.

Lead's toll (https://www.nlm.nih.gov/medlineplus/ency/article/002473.htm) on children:

Lead can affect many parts of the body, and is most harmful when there is repeated exposure, even to small amounts. Even low levels of lead exposure can harm a child's mental development, and the problems worsen as blood-lead levels get higher.
The younger the child, the more harmful the exposure; unborn children are the most vulnerable, according to the National Institutes of Health.

Among possible complications:

- Behavior or attention problems
- Failure at school
- Hearing problems
- Kidney damage
- Reduced IQ
- Slowed body growth

Very high levels of lead may cause vomiting, a staggering walk, muscle weakness, seizures, or coma.

For more information, visit www.cdc.gov. Search "lead poisoning."

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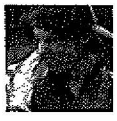

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Oct. 1, 2015, 9:40 a.m.

Statesman Tribune

High amount of lead found amid Flint children while switching waters

SEPTEMBER 27, 2015 BY DAVID BRYAN IN HEALTH 0 COMMENT

t's exhausting to know the resounding yawn that appears to have emanated .from the governor's workplace, following information that an growing share of Flint children have been lead poisoned after a change within the metropolis's water provide.

A spokeswoman for the Michigan Division of Well being and Human Providers despatched a Free Press knowledge analyst a chart she claimed would refute a report issued by a Hurley Medical Heart researcher, who discovered that because the metropolis began pumping water from the Flint River final April, the share of Flint youngsters with elevated blood-lead ranges has greater than doubled in some ZIP codes.

In reality, the state's information helps the Hurley researcher's declare — the variety of children with lead poisoning had been falling in Flint and throughout the state, till the water change. Now it is rising.

A spokeswoman for Gov. Rick Snyder wrote in an e-mail that the Hurley knowledge had been "spliced and diced," a suggestion that it's one thing apart from correct — though the state's personal knowledge bolsters the Hurley report.

And officers throughout the administration have hastened to insist that Flint's water is protected and to recommend that though printed reviews say Michigan Division of Environmental High quality information present elevated lead ranges in Flint's water, there's no motive to suspect that has prompted extra Flint children to undergo from lead poisoning. And thus far, none of it has it spurred them to motion.

However here is the scenario: There's extra lead in Flint's water than there was. And extra Flint youngsters have lead of their blood, one thing that results in severe, irreversible behavioral and developmental issues.

The way it occurred

The Metropolis of Flint determined in 2013 to affix the brand new Karegnondi Water Authority, together with Genesee, Sanilac and Lapeer counties. That system will not be full till 2016. Within the interim, the town — below former emergency supervisor Darnell Earley — opted to pump its water from the Flint River, as a substitute of constant to buy it from the Detroit Water and Sewerage Division — partly, state officers say, as a result of DWSD deliberate to lift its charges for a brief-time period contract. Town thought-about mixing Lake Huron and Flint River water, however finally selected to tug water from the Flint River alone. Genesee County, in distinction, will proceed to buy its water from DWSD whereas the brand new system is below building.

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Researchers say that Flint River water, extra corrosive than the Lake Huron water pumped by the Detroit Water and Sewerage Division, is leaching lead from the town's ageing infrastructure into the water provide.

The town, and its residents, need assistance. Within the close to time period, residents — particularly residents with formulation-fed infants, whose diets are composed virtually fully of water — residing in poverty want help to buy bottled water or filtration programs. And town wants to think about its lengthy-time period choices, particularly, whether or not to reconnect to DWSD till the Karegnondi system is full.

That would not be a easy course of. Former Flint EM Darnell Earley, now EM for Detroit Public Colleges, wrote in an e-mailed assertion that he was not concerned within the determination to make use of river water, though it occurred throughout his tenure. He was additionally EM when a 9-mile part of pipe was bought to Genesee County, a call he wrote was within the works earlier than his appointment, which means the town cannot reconnect to the Detroit system with out the cooperation of Genesee County.

Neither is the upper value of shopping for water from DWSD — about $1.5 million a month — within the metropolis's price range, Flint Mayor Dayne Walling mentioned. The town, which emerged from state oversight this yr, would want the approval of its transitional advisory board to extend its water price range.

Flint, by the way in which, is broke.

U.S. Rep. Dan Kildee and state Senate Majority Chief Jim Ananich, each Flint Democrats, have pledged to deliver monetary and sensible help to the district.

For now, Walling mentioned, Flint's water therapy plant will start so as to add anticorrosive brokers to the Flint River water, which can take weeks to affect the water provide.

If I lived in Flint, I might be mad. If I had been a Flint mum or dad, with a little one who'd spent the final 12 months and a half ingesting lead-contaminated water, I might be in despair.

We're speaking a few public well being disaster — one that would have been prevented.

Whose fault is it?

Throughout their tenures, emergency managers are the last word authority within the cities they serve.

And so the accountability for Flint's water lies, finally, with Snyder, and the emergency managers he appointed — and it's Snyder who should come to Flint's rescue. Walling says Flint's residents want funds for instant aid, however that the town wants grants to begin to improve its growing older, lead-ridden water infrastructure.

Snyder hasn't hesitated to nominate or retain emergency managers in struggling cities throughout the state, a stance the Free Press Editorial Board has largely supported, with one caveat: Emergency managers need to make issues higher.

That's the premise on which the emergency supervisor legislation is based. Cities are the creation of the state. The state has a accountability to look after the well being and welfare of its residents, and typically, cities face challenges not fixable on the native degree. In these instances, the state should step in.

That is actually the case in Flint, which has suffered from the identical lack of inhabitants — and tax base — as Detroit, however with fewer property with which to leverage a passable consequence.

In these circumstances, the Free Press editorial board has argued, the state has a accountability to behave, to revive some fiscal stability, and thus service supply and high quality of life for residents.

That is the catch.

It would be straightforward to stability any metropolis's finances: Lay off all of the cops, promote all of the ambulances, liquidate town parks. However that would not make life higher for residents. That is the steadiness emergency managers should be conscious of — value financial savings versus high quality of life. Spending cuts versus service supply. A metropolis's backside line cannot be revenue-pushed.

That is the evident weak spot within the emergency supervisor legislation, and it on full show in Flint.

Snyder spokeswoman Sara Wurfel stated the state signed off on the swap on the behest of Walling and the Flint Metropolis Council, and solely "with severe reservations."

That is not precisely how Walling remembers it.

"I didn't assist it come what may," he mentioned. "It wasn't my resolution. I had lots of issues about it that I raised internally, however the funds was in place ... I had loads of considerations about it, however when it was determined that was the choice ... I didn't protest."

When the Flint Metropolis Council voted this 12 months to reconnect to the Detroit water system, then-emergency supervisor Jerry Ambrose known as its resolution "incomprehensible": "Water from Detroit isn't any safer than water from Flint," Ambrose stated, as reported within the Flint Journal.

It is fairly clear that is not true. It isn't clear what anybody from the State of Michigan is ready to do about it.

Sixteen months in the past, Earley and Walling celebrated the town's departure from DWSD, elevating glasses of Flint River water, ready to toss them again, with a toast that strikes a hole word at present: Here is to Flint.

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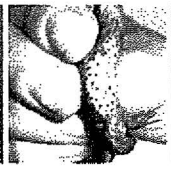
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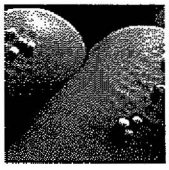
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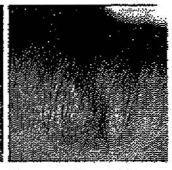
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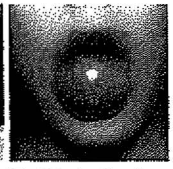
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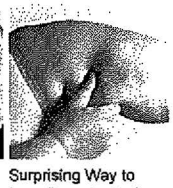
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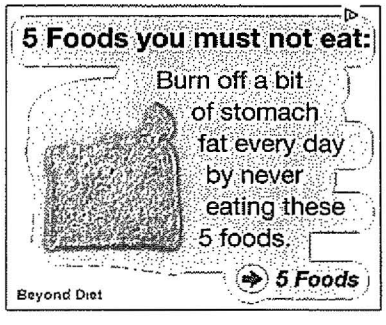

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FOIA Coordinator City of Flint Department of Law
1101 S. Saginaw Street, 3rd Floor
Flint, MI 48502
Fax: (810) 232-2114
Email: ajones@cityofflint.com

Dear FOIA coordinator,

This letter is a request for records under the Freedom of Information Act, MCL 15.231 et seq.

The records I am requesting are:

1. All documents the City of Flint, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
2. All documents the City of Flint, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and/or the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
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I am enclosing a check in the amount of $20 as a good faith deposit to cover a portion or all of the cost of these items. If the amount exceeds $20, please contact me by phone at 810-223-7034, to discuss the balance and the basis for the amounts charged beyond $20. If the amount is less than $20 please refund the balance to this office.

Sincerely,

Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

Michigan Department of Treasury
Attn. FOIA Coordinator
P.O. Box 30716
Lansing, MI 48909

MIStateTreasurer@michigan.gov

Dear FOIA coordinator,

This letter is a request for records under the Freedom of Information Act, MCL 15.231 et seq.

The records I am requesting are:

1. All documents the Michigan Department of Treasury, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
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I am enclosing a check in the amount of $50 as a good faith deposit to cover a portion or all of the cost of these items. If the amount exceeds $50, please contact me by phone at 810-223-7034, to discuss the balance and the basis for the amounts charged beyond $50. If the amount is less than $50 please refund the balance to this office.

Sincerely,

Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

FOIA Coordinator
Department of Environmental Quality
P.O. Box 30457
Lansing, MI 48909-7957
Phone: 800-662-9278

deqfoia@michigan.gov

Dear FOIA coordinator,

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The records I am requesting are:

1. All documents the Michigan Department of Environmental Quality, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
2. All documents the Michigan Department of Environmental Quality, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
3. All documents the Michigan Department of Environmental Quality has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

I am enclosing a check in the amount of $50 as a good faith deposit to cover a portion or all of the cost of these items. If the amount exceeds $50, please contact me by phone at 810-223-7034, to discuss the balance and the basis for the amounts charged beyond $50. If the amount is less than $50 please refund the balance to this office.

Sincerely,

Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

EXHIBIT O

City: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

City of Flint
1101 S. Saginaw Street
Flint, Michigan 48503
Fax: (810) 232-2114

Denial Form

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: **15-0664** Date Received: **Sept 10, 2015** Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method

Date of This Notice: **Sept 14, 2015** Date delivered to junk/spam folder: _____

(Please Print or Type) Date discovered in junk/spam folder: _____

Name **Phil Phelps**		Phone
Firm/Organization		Fax
Street **819 Main Street Unit A**		Email
City **Flushing**	State **MI**	Zip **48433**

Record(s) You Requested: *(see attached copy of original request)*

Your request has been **X Denied** OR ☐ **Granted in part and denied in part.** Please refer to this form for an explanation. If you have any questions regarding this denial, contact Althea Jones at ajones@cityofflint.com, by telephone at (810) 766-7146, or by fax at (810) 232-2114.

Reason for Denial or Partial Denial:

Disclosure of the following information is denied for the following reason(s):

X 2. The records which you have requested **do not exist** under the name given by the requester or by another name reasonably known to this public body or are not retained by this public body in the performance of an official function. This is a certification of their non-existence. **No Records – Requested documents do not exist. Attached please find your check for $20.00.**

The City of Flint FOIA Procedures and Guidelines and Written Public Summary are available at the City's website at:

www.cityofflint.com/legal-2/foia/

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the Mayor or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the city has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. *(See back of this form for additional information on your rights.)*

Signature of FOIA Coordinator: Althea Jones **Date:** 9-14-15

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

Opt-Out:

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.
Sec. 10.
(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

RECEIVED
SEP 10 2015
CITY ATTORNEY'S OFFICE

FOIA Coordinator City of Flint Department of Law
1101 S. Saginaw Street, 3rd Floor
Flint, MI 48502
Fax: (810) 232-2114
Email: ajones@cityofflint.com

Dear FOIA coordinator,

This letter is a request for records under the Freedom of Information Act, MCL 15.231 et seq.

The records I am requesting are:

1. All documents the City of Flint, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
2. All documents the City of Flint, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and/or the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
3. All documents the City of Flint has in its possession, including correspondence, related to any communications between the City of Flint of Treasury, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

I am enclosing a check in the amount of $20 as a good faith deposit to cover a portion or all of the cost of these items. If the amount exceeds $20, please contact me by phone at 810-223-7034, to discuss the balance and the basis for the amounts charged beyond $20. If the amount is less than $20 please refund the balance to this office.

Sincerely,

Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

Opt-Out:

EXHIBIT P

Keith,
Just got this email while we were on the phone. The DEQ must have talked to Flint and decided that since Flint is not turning over documents that they are not going to either after they they both told me that they had documents to share.

Thanks,
Phil

----- Forwarded Message -----
From: DEQFOIA <DEQFOIA@michigan.gov>
To: "Phillip Phelps (pphelps277@yahoo.com)" <pphelps277@yahoo.com>
Sent: Monday, September 28, 2015 11:59 AM
Subject: Request for Disclosure of Official Files

Mr. Phil Phelps
819 Main Street, Unit A
Flushing, MI 48433

)ear Mr. Phelps:

SUBJECT: Request for Disclosure of Official Files – **Executive Division and Water Resources Division**

This notice is issued in response to your request for information under the Freedom of Information Act, 1976 PA 442, as amended (FOIA), received on September 8, 2015. You have requested the following information: "Any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint, etc." (FOIA 6422-15).

The purpose of the FOIA is to provide the public with access to existing, nonexempt public records of public bodies. Your request to examine or receive a copy of the documents described above is denied.

To the best of this public body's knowledge, information, and belief, the public record does not exist under the name given by the requester, or by another name reasonably known to the public body.

Under section 10 of the FOIA, the DEQ is obligated to inform you of the following:

1) Appeal this decision in writing to the Director of the Department of Environmental Quality, P.O. Box 30473, Lansing, Michigan 48909-7973. The writing must specifically state the word "appeal," and identify the basis for which the disclosure determination should be reversed. The Director of the DEQ, r his/her delegated designee, must respond to the appeal within 10 days of its receipt. Under unusual circumstances, the time for response to the appeal may be extended by 10 business days.

2) Commence a civil action in circuit court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements, and possible damages.

Susan Vorce, FOIA Coordinator
Department of Environmental Quality
800-662-9278
deqfoia@michigan.gov

The DEQ strives to continually improve its customer service to FOIA requesters. To provide input for improvements to the FOIA process, please complete this survey: https://www.surveymonkey.com/s/foiaprocess

EXHIBIT Q

GONGWER Michigan
The Capitol Record Since 1906

Volume #54, Report #195, Article #1--Thursday, October 1, 2015

Senate Activity Report | House Activity Report

Pressure Mounts On Flint Water; Snyder Prepares Actions

A coalition of Flint and state organizations asked the U.S. Environmental Protection Agency on Thursday to order a switchover of the Flint water system with the Detroit Water and Sewerage system, in what is one of the most striking actions in the controversy. The demand came as state officials plan to announce a series of actions on Flint on Friday dealing with the water problems in the city.

One legislator - who also complained he had been denied documents from the state dealing with the switch from the Detroit system to using water from the Flint River (a state official said the wrong documents had been requested) - said there had been a general discussion, but no specifics about what Mr. Snyder might announce. **Rep. Phil Phelps** (D-Flushing) said he expected the state would provide more filters to residents to help curb lead in the water. Filters will be helpful, Mr. Phelps said, but not enough.

Governor Rick Snyder will not be at the event, to be held at Kettering University, but Flint Mayor Dayne Walling, along with Environmental Quality **Director Dan Wyant**, Health and Human Services **Director Nick Lyon**, Urban Initiatives Director Harvey Hollins and the state's chief medical officer, Eden Wells, will speak on the initiatives being pursued.

The presentation will be at 1:30 p.m.at the university's Innovation Center, 1300 Bluff Street.

The controversy over the water in Flint has grown exponentially since indications that lead levels, caused mainly by antique pipes and their connections, were elevated in children who were tested. Researchers said they could not absolutely say the elevated levels were from the water, but the measures showed the increase since the city made the switch. Also on Thursday, it was announced that the city had received donations to provide some 5,000 water filters to help contain the lead.

Prior to the discovery about elevated lead levels, the controversy over the system dealt largely with the smell and taste of the water. Flint switched from using Detroit water to drawing water from the Flint River in 2014 as the city prepared to build its own system that would draw water from Lake Huron. The switch was made largely because Flint and Detroit could not agree on a short-term contract to use the water, and the city, under a state-appointed emergency manager because of financial problems, did not want to pay the cost of Detroit water.

In a press conference on Wednesday, Mr. Snyder acknowledged that in making the switch, not all factors were probably considered.

The request for the EPA to order both the city and state to make the switch to Detroit water came with a variety of city and state groups, including the Concerned Pastors for Social Action, the Flint Water Study

Team, the Michigan Nurses Association, the NAACP-Michigan State Conference, the Natural Resources Defense Council and the Michigan branch of the American Civil Liberties Union, getting involved.

The request charged that neither the state nor Flint were doing enough to fix the problem and urged that both be ordered to immediately have Flint's water system reconnected with the Detroit system, and that city residents be provided with a free source of water that meets EPA standards.

Mr. Phelps, meanwhile, complained that the Department of Environmental Quality denied and the Department of Treasury ignored a Freedom of Information Act request for documents related to the city's switch from Detroit water to river water. Anytime there is a change in water systems of the course of water, the community has to apply to the state for that authority.

But Brad Wurfel, with the DEQ, said Flint did not have to file that application because the city had always listed the Flint River as its back-up should it need it for a water supply.

However, there are other documents that are available - to Mr. Phelps or anyone - dealing with the process the city and state took preparing for the switch, Mr. Wurfel said.

Mr. Phelps said a DEQ official contacted him and said there were documents available and that they would be sent to him. The official asked that he drop his FOIA request, Mr. Phelps said.

On the advice of his lawyers, Mr. Phelps said he did not drop the request. But he had also asked the department for any documents that might have to do with the switch. After his request was denied, he received several documents dealing with the system, but the documents were from 2007 and did not have to do with the switch.

Mr. Phelps was surprised by the refusal and was planning what steps to next take.

In terms of what the state should do to help in the situation, Senate **Minority Leader Jim Ananich** (D-Flint) told reporters after session on Thursday that he thought the state should first help with distributing filters to residents, especially those who may be most vulnerable, listing pregnant women, children, women that are nursing, those with immune system issues and the elderly among them.

"That should be done immediately," Mr. Ananich said. "I think we need to have corrosion control put in place as quickly as possible. Unfortunately, I think we need some independent, outside testers to come in and develop the confidence level that's just not there with traditional people in place. And I think we need to have a serious look at reconnecting with Detroit. I think the state needs to help us find a new source of water."

He said he would reserve judgment about how well the state has responded to the situation until after the administration makes its recommendations and remains unsure about any estimates on how much it might cost for Flint to reconnect to Detroit water.

"There's been some negotiations going on at the local level, but I think it's important to get the real cost because it's a public health issue. And I'm hopeful we'll find that. I would hope that all folks, with an issue of this magnitude, would not try to gouge a community that's been suffering the way they are," Mr. Ananich said. "I think we need to all, at the state level, make sure people are negotiating in good faith."

And Senate **Majority Leader Arlan Meekhof** (R-West Olive) said he is unsure what the state's role should be in terms of helping Flint. The Senate did, on Thursday, include a $100 placeholder to deal with Flint's water

crisis in an appropriations supplemental it passed, but that was to keep the conversation going, Mr. Ananich said (see separate story).

"I don't know that we really have a solution there yet," Mr. Meekhof said after session. "We could use revolving funds maybe. I don't think the city of Flint is in as bad of financial trouble as the city of Detroit, so if they need to bond for something, they would have assets with which to bond and maybe fix the problem. There's lots of options that are out there."

Back To Top >>

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124 West Allegan Street, Suite 1200, Lansing, Michigan, 48933
Phone: 517-482-3500 **Fax:** 517-482-4367 **Email:**gongwer@gongwer.com

EXHIBIT R

BB (Rev. 04-15)

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

September 29, 2015

Mr. Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

Dear Mr. Phelps:

This notice is issued in response to your request dated September 4, 2015, which you submitted under the Freedom of Information Act (FOIA), MCL 15.231 *et seq*. Your request was received in the Department of Treasury (Department) by electronic mail on September 8, 2015. As set forth in the Department's September 15, 2015 notice, a statutory extension of time to respond was taken through September 29, 2015.

You have requested records which you describe as: 1) All documents the Michigan Department of Treasury, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity; 2) All documents the Michigan Department of Treasury, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity; 3) All documents the Michigan Department of Treasury has in its possession, including correspondence, related to any communications between the Michigan Department of Treasury, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

To the extent we understand your description, your request is denied. After a thorough search of Department records, to the best of the undersigned's knowledge, information and belief, no such records as you describe, or by any other name reasonably known to the Department, regarding any "waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity," exist in the Department of Treasury.

Opt-Out:

In an effort to be cooperative, you may wish to contact the Department of Environmental Quality as they may have records responsive to your request.

As to the denial of your FOIA request, the Department is obligated to inform you that under section 10 of the FOIA, MCL 15.240 you may do the following:

1. Appeal this decision in writing to the State Treasurer, Michigan Department of Treasury, P.O. Box 30716, Lansing, MI 48909. The writing must specifically state the word "appeal" and must identify the reason or reasons you believe the denial should be reversed. The Department must respond to your appeal within 10 days of its receipt. Under unusual circumstances, the time for response to an appeal may be extended by 10 business days.

2. File an action in the appropriate court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements, and possible damages.

Pursuant to section 4 of the FOIA, MCL 15.234, the Department's FOIA procedures, guidelines and written summary can be found on the Department's website at the following link: http://michigan.gov/treasury/0,4679,7-121-72699-357926--,00.html.

Sincerely,

Carla M. Robert

Carla M. Robert
FOIA Coordinator

From: Wurfel, Sara (GOV)
Sent: Monday, October 12, 2015 2:24 PM
To: Dennis Muchmore; Beth Clement; Agen, Jarrod (GOV); Redford, James (GOV); Hollins, Harvey (GOV)
Cc: Wendy Wisniewski; Thomet, Ruth (GOV)
Subject: FW: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint
Attachments: Phelps_Verified FOIA Complaint.pdf

Importance: High

Please see below. Making sure I understand full back story on this, but FYI.

Let me know if anyone has additional background or insight, otherwise tracking down with DEQ.

From: Gary Ridley [mailto:GRIDLEY@mlive.com]
Sent: Monday, October 12, 2015 1:39 PM
To: Bitely, Andrea (AG) <BitelyA@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

Hi,
I wanted to see if the state had any comment in response to this lawsuit.

Thanks.

--
Gary Ridley | The Flint Journal-MLive Media Group | 810-280-9516 | gridley@mlive.com

---

From: Rosemary Jones [mailto:RJones@house.mi.gov]
Sent: Monday, October 12, 2015 1:33 PM
To: Rosemary Jones
Subject: Rep. Phelps Files Suit Against State of Michigan, City of Flint

FOR IMMEDIATE RELEASE
Monday, Oct. 12, 2015

Contact: Rep. Phil Phelps
Phone: (517) 373-7515

Rep. Phelps Files Suit Against State of Michigan, City of Flint

State, city failed to release documents sought in FOIA request

LANSING — State Representative **Phil Phelps** (D-Flushing) announced earlier today that he is filing suit against the state of Michigan and the city of Flint to force them to release public documents he requested last month under the Freedom of Information Act (FOIA).

"It's an absolute shame that I have to file suit to force our government to comply with the law," Phelps said. "I was shocked at their response, because prior to receiving the denials, officials from both the city and state had told me that not only did documents exist, but they would be happy to share them with me."

On Sept. 4 of this year, Phelps requested that the city and state turn over all documents and emails regarding the permit and application process that Flint's emergency manager was required to complete before the Michigan Department of Environmental Quality gave the go ahead to the city to start using the Flint River as its source of drinking water. Late last month, the state and the city both denied Phelps' request, saying that no such documents exist.

In March and April of 2014, officials from both the city and state were also quoted in several articles on Mlive.com, making comments about the permit application process for Flint to switch its source of drinking water from Detroit's system to the Flint River.

"I want to know what these officials knew about the safety and quality of the river water before the switch was made. Judging by their response and recent actions, it almost seems they knew a lot more than they are letting on to," Phelps said. "Flint residents deserve better than this, they deserve to know the truth about the decisions that were made, and if I have to fight this in court to get the truth, so be it."

###

Rosie Jones
Deputy Press Secretary
Michigan House Democrats
O: 517.373.3731
[redacted]
housedems.com

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY GENESEE

PHIL PHELPS,

Plaintiff, Case No.
v Hon.

CITY OF FLINT,

Defendant.

MILLER COHEN, P.L.C.
Keith D. Flynn (P74192)
Attorneys for Plaintiff
600 W. Lafayette, 4th Fl.
Detroit, MI 48226
(313) 964-4454 Phone
kflynn@millercohen.com

VERIFIED FREEDOM OF INFORMATION ACT COMPLAINT

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the Complaint against Defendant.

Keith D. Flynn

Plaintiff **PHIL PHELPS**, ("Plaintiff"), by and through his attorneys, **MILLER COHEN, P.L.C.**, for his Freedom of Information Act Complaint, states as follows:

Since Spring 2014, families in the City of Flint have been exposed to a significant threat to their health and well-being caused by the decision to switch the City's water supply from Lake Huron water to Flint River water. This decision was made by the State's appointed Emergency Manager in the name of saving money. In the process, the health and welfare of Flint residents has been carelessly jeopardized with thousands of residents being exposed to contaminants, including E.coli, disinfectant byproduct, and, most recently, lead.

MILLER COHEN, P.L.C.
ATTORNEYS AND COUNSELORS AT LAW
600 WEST LAFAYETTE BLVD.
DETROIT, MICHIGAN 48226-0840
(313) 964-4454

MILLER COHEN, P.L.C.
ATTORNEYS AND COUNSELORS AT LAW
600 WEST LAFAYETTE BLVD.
DETROIT, MICHIGAN 48226-0840
(313) 964-4454

This threat is the very reason why the Michigan Department of Environmental Quality (DEQ) exists—to protect the public by insisting upon compliance with federal and state environmental regulations. The DEQ is supposed to work with suppliers of water, such as the City of Flint, and approve or reject applications for permits to alter existing water systems, including changes that are made to the source of water. MCL § 325.1004(6). Part of this process requires localities to provide the DEQ with detailed technical information evaluating any impact that proposed alterations might have on the quality of water provided to the public. *Id.*

State Representative Phil Phelps issued information requests under the Freedom of Information Act (FOIA) to the Department of Environmental Quality (DEQ), the Michigan Department of Treasury, and the City of Flint. Representative Phelps wants to see if the State and City knew in advance about the potential hazards now faced by Flint residents. He wants to see what had been done to avoid this disaster. He requests documents concerning evaluations of the quality of water in the Flint River, documents specifically pertaining to the application and permit process, and other documents relating to the change in the City's water source.

In public statements, State and City officials have discussed documents addressing the change from Detroit to Flint River water as Flint's primary source of water. However, in response to Representative Phelps' FOIA requests, they now deny that such documents exist. The cleanliness of the water is a critical health and safety issue, which must be revealed to the public. The Defendants cannot make public assurances of the existence of documents, only to refuse to turn those documents over.

As a result, Representative Phelps is now forced to file this action, along with another action in the Michigan Court of Claims, seeking to disclose information that the public has the right to know. For those reasons, Plaintiff Phelps seeks an Order from this Court requiring the City to respond to Plaintiff's FOIA requests and seeking costs and attorney fees for having to file this action.

MILLER COHEN, P.L.C.
ATTORNEYS AND COUNSELORS AT LAW
600 WEST LAFAYETTE BLVD.
DETROIT, MICHIGAN 48226-0840
(313) 964-4454

PARTIES, JURISDICTION, AND VENUE

1. This matter arises under the Michigan Freedom of Information Act, MCL § 15.231, *et seq.* ("FOIA").

2. Plaintiff Phil Phelps is the elected State Representative for the 49th State House District. His District includes part of the City of Flint.

3. Defendant City of Flint is a public body as defined in MCL §15.232(d) having custody and control of public records. The City of Flint constitutes a supplier of water for the purposes of the Michigan Safe Drinking Water Act, MCL §325.1001 *et seq.*

4. This Court has jurisdiction over the subject matter of this complaint and venue is proper in this county, pursuant to MCL §15.240(4).

GENERAL ALLEGATIONS

5. Plaintiff incorporates herein by reference each of the preceding paragraphs.

6. Pursuant to MCL § 15.233, Plaintiff, as a member of the public, has the right to inspect, copy, or receive copies of public records of a public body, including records of the City of Flint.

7. For almost fifty years, the City of Flint purchased Lake Huron water from the Detroit Water and Sewerage Department ("DWSD").

8. On June 28, 2013, ground was broken by the Karegnondi Water Authority ("KWA") to build a pipeline to distribute Lake Huron water throughout Genesee County without DWSD.

9. Construction of the pipeline is set to be completed in late 2016.

10. Every community in Genesee County remained with DWSD during the construction of the pipeline with the exception of the City of Flint.

MILLER COHEN, P.L.C.
ATTORNEYS AND COUNSELORS AT LAW
600 WEST LAFAYETTE BLVD.
DETROIT, MICHIGAN 48226-0840
(313) 964-4454

11. Darnell Earley, the Emergency Manger appointed to the City of Flint by Governor Richard Snyder under the Local Financial Stability and Choice Act, MCL §141.1541 *et seq.*, implemented the switch from DWSD water to the Flint River that took place on April 25, 2014.

THE DECISION TO SWITCH FROM DWSD WATER TO FLINT RIVER WATER

12. Prior to switching from DWSD to Flint River water, the City of Flint, in conjunction with the Michigan Department of Environmental Quality and the Michigan Department of Treasury engaged in a process to evaluate the potential of using the Flint River as Flint's primary source of water. (*Exhibit A*, 91-95)

13. Gerald Ambrose, the financial advisor to the emergency manager for the City of Flint at the time, testified that: "There was brief evaluation of whether the City would be better off to simply use the Flint River as its primary source of water over the long term. That was determined not to be feasible." (Id. at 91)

14. Mr. Ambrose went on to testify that the determination that it was not feasible was made by "the emergency management team based on conversations with the MDEQ that indicated they would not be supportive of the use of the Flint River on a long-term basis as a primary source of water." (Id.)

15. Mr. Ambrose also testified in regards to an independent study that was conducted by the State Department of Treasury as to the feasibility of changing the source of water to the Flint River. (Id. at 93-94)

16. Notwithstanding this evaluation, the City of Flint decided to move forward with changing the source of its drinking water to the Flint River until the KWA pipeline was finished.

17. In order to do so, however, the City of Flint was required by the Safe Drinking Water Act to apply for a permit to change the source of water:

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> (6) Before commencing the construction of a waterworks system or an alteration, addition, or improvement to a system, a supplier of water shall submit the plans and specifications for the improvements to the department and secure from the department a permit for construction as provided by rule. Plans and specifications submitted to the department shall be prepared by a professional engineer licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014. A contractor, builder, or supplier of water shall not engage in or begin the construction of a waterworks system or an alteration, addition, or improvement to a waterworks system until a valid permit for the construction has been secured from the department. A contractor, builder, or supplier of water who permits or allows construction to proceed without a valid permit, or in a manner not in accordance with the plans and specifications approved by the department, violates this act. A supplier of water shall not issue a voucher or check or in any other way expend money or provide consideration for construction of a waterworks system unless a valid permit issued by the department is in effect. The department may issue a permit with conditions to correct minor design deficiencies. If eligible, a supplier may request an expedited review of an application for a permit under section 4a.

MCL § 325.1004(6).

18. The Safe Drinking Water Act provides that the DEQ administers the Act and promulgates administrative rules to enforce its requirements. One of those administrative rules defines "alteration" to include "modification of, or addition to, an existing waterworks system, or portion of the system, that affects . . . the source . . . ." Admin. Rule 325.10102.

19. On the DEQ's website, the DEQ provides the application discussed above. (*Exhibit B*)

20. The application requires the submission of highly technical plans and analysis for the alteration of the Water System. (Id.)

21. Failure of a "supplier of water"—which include municipalities—to apply and receive a permit prior to alteration of a Water System violates the Act punishable by a fine of not more than $5,000.00 for each day of violation, or by imprisonment for not more than 1 year, or both. MCL § 325.1021.

22. Prior to switching to the Flint River, it was reported that the City was in the process of applying for such a permit. (*Exhibit C*)

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23. On March 28, 2014, it was reported that the Michigan Department of Environmental Quality halted the City's attempt to move forward with the switch in water source without receiving the permit. (Id.) Steve Busch, the Lansing and Jackson district supervisor for the DEQ, noted that the DEQ had only received "preliminary design plans and preliminary specifications" that the agency had commented on. (Id.)

24. Howard Croft, Flint's Director of Public Works, denied the inadequacy of the plans provided noting that the City had provided "A fully engineered construction package, including all the work to be performed." (Id.) He went on to note that, "The submittal package has been under review for more than 30 days. The city has had ongoing discussions with the DEQ regarding the process and we anticipate a favorable response soon." (Id.)

25. On April 5, 2014, Emergency Manager Earley stated that the final application for the permit was filed with the DEQ noting that "We expect to have the permit early next week." (*Exhibit D*)

26. Sure enough, the very next week, the spokesman for the Department of Environmental Quality (DEQ), Brad Wurfel, was reported on April 10, 2014 as saying that the DEQ issued "a series of construction permits" noting that "They are racing to get all this work done." (*Exhibit E*)

27. The switch to Flint River water took place on April 25, 2014. (*Exhibit F*)

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RESIDENTS OF FLINT ARE EXPOSED TO CONTAMINANTS AFTER THE SWITCH TO FLINT RIVER WATER

28. Since switching to Flint River water, Flint residents have been placed in jeopardy being exposed to substantial threats to their health and safety due to contaminants found in their drinking water.

29. On August 14, 2014, the water tested positive for fecal coliform bacteria, E.coli, leading the City to issue a boil water advisory. (*Exhibit G*)

30. The water once again tested positive on August 19, 2014 with boil water advisories extending into late September 2014. (*Exhibit H*)

31. On January 2, 2015, a new threat to public health and safety was identified. In an effort to eliminate the bacteria, the City increased the chlorine used in the System. Residents began complaining that the water was causing skin rashes and their hair falling out. (*Exhibit I*)

32. Then, on January 2, 2015, the City of Flint officially announced that the level of trihalomethanes (TTHMs)—a byproduct of disinfectant—was higher than the allowable amount provided for in federal law forcing the City to provide notice to residents. (*Exhibit J*)

33. Long term exposure to TTHMs can create liver, kidney, or central nervous system problems, and may increase the risk of cancer, especially amongst those who have severely compromised immune systems such as infants or the elderly. (Id.)

34. Over nine months later, the City was finally able to reduce TTHM levels to the federal limit. (*Exhibit K*)

35. Most recently, in July 2015, Virginia Tech University researchers released the results of their own independent study of Flint's water supply revealing incredibly high amounts of lead far exceeding the allowable limitations of lead content under federal law. (*Exhibit L*)

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36. On September 2, 2015, the researchers at Virginia Tech released another study that compared the DWSD water to the Flint River water (*Exhibit L*) That study concluded that the natural corrosive properties of Flint River water is leaching lead from the City's aging infrastructure. (*Exhibit L*)

37. On September 24, 2015, the results of a subsequent study by Dr. Mona Hanna-Attisha, program director for the pediatric residency at the Hurley Children's Hospital at Hurley Medical Center in Flint were released finding an elevated level of lead in the blood samples of Flint children. (*Exhibit M*) Specifically, the study showed that the number of children in the City with elevated blood levels nearly doubled after the city started using the river. (Id.)

38. According to Dr. Hanna-Attisha: "What we found in our data is concerning." (Id.) Dr. Hanna-Attisha noted that "This is not something you mess around with." (Id.)

REPRESENTATIVE PHELPS SEEKS DOCUMENTS RELATING TO CHANGING THE CITY'S SOURCE OF WATER TO THE FLINT RIVER AND THE CITY AND STATE FAILED TO COMPLY

39. In response to this health crisis, Representative Phelps requested the following records from the Michigan Department of Environmental Quality, the Michigan Department of Treasury, and the City of Flint pursuant to FOIA on September 4, 2015:

1. All documents the [City of Flint/Michigan Department of Treasury/Michigan Department of Environmental Quality], or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
2. All documents the [City of Flint/Michigan Department of Treasury/Michigan Department of Environmental Quality], or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and/or the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

3. All documents the [City of Flint/Michigan Department of Treasury/Michigan Department of Environmental Quality] has in its possess, including correspondence, related to any communications between the [City of Flint of Treasury/Michigan Department of Treasury/Michigan Department of Environmental Quality], or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

(*Exhibit N*)

40. On September 4th, Representative Phelps had a face-to-face conversation with Howard Croft, Flint's Director of Public Works, at the Flint City Hall beginning shortly after 3:00pm and ending around 4:20pm. Representative Sheldon Neeley was also present during the meeting.

41. Both Representative Phelps and Neeley asked several questions regarding the switch to Flint River water, the permits and applications surrounding the switch, potential hold ups/delays in the switch due to DEQ's approval process, and correspondence between the City of Flint and the DEQ regarding all of the previous items.

42. Howard Croft said that they did in fact have documents related to those topics and stated that it would be no problem to share them with both Representatives.

43. On September 14, 2015, the City of Flint changed its story. In the City of Flint's formal response to Representative Phelps' FOIA requests dated September 14, 2015, the City has refused to provide those documents. (*Exhibit O*)

44. Contradicting Mr. Croft's earlier assertions as well as statements made to the press in 2014, the City of Flint asserted that no such documents exist:

> The records which you have requested do not exist under the name given by the requester or by another name reasonably known to this public body or are not retained by this public body in the performance of an official functions. This is a certification of their non-existence. No Records—Requested documents do not exist.

(Id.)

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45. The DEQ responded on or about September 16th by telephone indicating that it was DEQ policy to provide copies of documents to members of the State Legislature free of charge and noting that there were several documents that would be sent over to Representative Phelps' office via email, but only if he withdrew his FOIA request.

46. Representative Phelps indicated that he had to contact his attorney to discuss whether he should withdraw the FOIA requests. Since that day, Representative has not received any verbal communication with the DEQ.

47. On September 28, 2015, after Representative Phelps refused to withdraw his FOIA request, the DEQ changed its tone like the City of Flint. (*Exhibit P*)

48. Brad Wurfel, the spokesman for the DEQ stated in an interview with Gongwer that "Flint did not have to file an application because the City has always listed the Flint River as its back-up should it need it for a water supply." (*Exhibit Q*)

49. Obviously, Mr. Wurfel's most recent statement ignores the statements that he, and others, made to the media prior to the switch. They all maintained that Flint was required to file an application for a permit with the DEQ and did in fact file an application that was ultimately approved by the DEQ on or about April 10, 2014.

50. Nonetheless, Mr. Wurfel indicated during that interview that "other documents . . . are available—to Mr. Phelps or anyone—dealing with the process the city and state took preparing for the switch." (Id.) To date, Representative Phelps has not received these other documents.

51. Similarly, the Michigan Department of Treasury denied Representative Phelps' FOIA request on the same grounds as the City of Flint and the DEQ on September 29, 2015. (*Exhibit R*)

52. To date, Representative Phelps' has not received the documents that he requested.

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53. The public has a right to know the degree to which the State knew about or took any action to determine the potential hazards of making this switch, prior to the decision being implemented by the State-appointed Emergency Manager. It is for that reason that Representative Phil Phelps brings this suit to compel the City of Flint to provide the documents requested pursuant to FOIA.

COUNT I

VIOLATION OF THE FREEDOM OF INFORMATION ACT

54. Plaintiff incorporates herein by reference each of the preceding paragraphs.

55. Documents, such as correspondence and communications, relating to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity constitute public records subject to FOIA.

56. Plaintiff reasonably described the documents that he was seeking.

57. No exemption recognized under FOIA applies to Representative Phelps' requests.

58. The Defendant's denial is wholly without merit as acknowledged by the Defendant's own agents in the past. Defendant failed to perform a good faith effort to conduct a search for the requested records using methods reasonably expected to produce the requested information.

59. Hence, Defendant violated the FOIA, and for the violation, the Defendant should face all fines, costs and fees as pursuant to the FOIA statute, as well as be ordered to immediately tender the information.

60. Due to the Defendant's refusal to respond to the FOIA requests, the Defendant now bears the burden to sustain the reason for its denial. MCL §15.240(4).

61. MCL § 15.240(5) provides that actions commenced pursuant to FOIA "shall be assigned for hearing and trial and for argument at the earliest practicable date and expedited in every way.

WHEREFORE, and for the above-stated reasons, Plaintiff requests that this Honorable Court grant the following relief:

a. Order an expedited hearing as required by MCL § 15.240(5);

b. Order that the Defendant to immediately respond to the FOIA requests of Plaintiff as found in the *Exhibit N* letters;

c. Find that the Defendant made a final determination to deny the FOIA requests, and such determination was in violation of the FOIA and arbitrary and capricious. Thus, Order that the Defendant pay to Plaintiff reasonable attorney's fees, costs and disbursements, and order punitive damages of $5.00;

d. Award all other relief as this Court deems appropriate.

Respectfully submitted,

MILLER COHEN, P.L.C.

By: _____

Keith D. Flynn (P74192)
Attorneys for Plaintiff
600 W. Lafayette, 4th Fl.
Detroit, MI 48226
(313) 964-4454

Dated: October 12, 2015

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VERIFICATION OF THE COMPLAINT

I, Phil Phelps, being first duly sworn, deposes and says that he is authorized to verify this Complaint, that he has read the complaint and based on his knowledge it is true as to its facts and he believes it is true as to its conclusions, to the best of his knowledge and belief.

Dated: _____ _____

PHIL PHELPS

Subscribed and sworn to before me on
this ___ day of October, 2015

_____
_____, Notary Public
_____ County, MI
Acting in _____ County, MI
My Commission expires: _____

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EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

JOHN WELCH, JUDITH WELCH, KENNETH SPARKS, JR., CAROL SPARKS, SHERRY MURPHY, AND MARK FULKS ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED, AND UNITED RETIRED GOVERNMENTAL EMPLOYEES (URGE), A MICHIGAN NONPROFIT CORPORATION,

Plaintiffs,

CASE NO: 2:12-cv-13808-AJT-MKM

vs

HON. ARTHUR J. TARNOW

MICHAEL BROWN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS EMERGENCY MANAGER OF THE CITY OF FLINT, EDWARD KURTZ, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS EMERGENCY MANAGER OF THE CITY OF FLINT, ROBERT ERLENBECK, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS MANGER FOR THE CITY OF FLINT RETIREMENT OFFICE, GERALD AMBROSE, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS CITY OF FLINT FINANCE DIRECTOR, AND THE CITY OF FLINT,

Defendants.
_____/

The Deposition of GERALD AMBROSE, taken before me, Claudia M. Weekly, CSR-2963, on Tuesday, May 20, 2014, at 1101 South Saginaw Street, 2nd Floor Conference Room, Flint, Michigan, commencing at or about 10:17 A.M.

talking about, are you referring to the cost of the City's participation in the pipeline?

Q Both.

A I had no direct involvement in any discussions relating to the actual cost estimates for the construction of the pipeline. I was, however, involved in doing the analysis of the cost benefit to the City of participating in the Karegnondi Water Authority as compared to continuing to receive, to purchase water from the Detroit Water and Sewer System.

Q Were any other options -- did you look at any other options apart from those two or variations of those two?

A There was brief evaluation of whether the City would be better off to simply use the Flint River as its primary source of water over the long term. That was determined not to be feasible.

Q Who determined that it wasn't feasible?

A It was a collective decision of the emergency management team based on conversations with the MDEQ that indicated they would not be supportive of the use of the Flint River on a long-term basis as a primary source of water.

Q What was the reason that they gave?

A You'll have to ask them.

Q Okay. You don't recall?

A I do not recall.

Q Now, am I correct in that is actually what is happening now, for at least a short-term --

A That's correct.

Q -- the City of Flint is using its own facilities and supplying its own water through the Flint River?

A That is correct.

Q When was the possibility of using that as a long-term solution abandoned?

MR. WARREN: Do you mean the Flint River?

MR. ALEC GIBBS: Yes.

THE WITNESS: Probably sometime in FY13. I don't recall specifically.

MR. BADE: I'm just going to object to the form of the question. Abandoned by whom?

Q (BY MR. ALEC GIBBS) By the collective body that was responsible for making the ultimate decision by the City of Flint, I assume. Sometime in fiscal year 2013?

A Sometime between -- I guess sometime probably during '13, I believe, or perhaps even midway through '12.

Q Okay.

A I don't recall the specific dates.

Q But it was based on communications from the Michigan Department of Environmental Quality.

MR. WARREN: Objection; asked and answered. You can answer.

THE WITNESS: It was based on information that we received from others within the City who said that MDEQ was not supportive of a long-term use of the Flint River.

Q (BY MR. ALEC GIBBS) Who are the City of Flint sources who communicated the Michigan Department of Environmental Quality's position?

MR. WARREN: Object to lack of foundation. You can answer.

THE WITNESS: I believe it was our utilities administrator, our public works director.

Q (BY MR. ALEC GIBBS) And who are those individuals?

A Howard Croft, Daugherty Johnson.

Q Are you aware of an independent study on the feasibility of alternative plans for water supply for the City of Flint that was commissioned by the Department of Treasury?

MR. WARREN: I'm going to object to relevance. We're getting really far afield here. I'm not directing him not to answer, but hopefully this can be tied up very quickly and we can all move on.

Q (BY MR. ALEC GIBBS) I'm just asking if you're aware of the study.

A Tell me what the name of the study is.

Q I have it here. Mark this as Exhibit 5.

(Exhibit Number 5 was marked.)

Q (BY MR. ALEC GIBBS) Do you recognize this study?

A I do not recall seeing this actual document, but I am aware of the study.

Q Okay. Do you remember when this study was commissioned?

A I don't know. Apparently it was completed in February of 2013.

Q The study makes reference to a number of meetings between the City of Flint and the Department of Treasury concerning the investigation into water supply options for the City of Flint. Did you participate in any of those meetings?

A I did.

Q What meetings do you recall participating in?

A I recall one or two meetings in Lansing. I don't remember when.

Q Do you remember if one of those meetings took place in December of 2012?

A I do not recall the date.

Q Do you remember who participated in these meetings?

A I do not recall. I was in attendance with the emergency manager then Michael Brown, as I recall, or Ed Kurtz. I honestly do not recall the dates and the timing.

Q Okay. There is a reference to, if you look to Page 2 of the study, it says although it appeared that this was

a -- it references an option for the Flint water treatment plant to supply the City of Flint without being supplied from either DWSD or KWA was initially considered. The preliminary investigation evaluated the cost associated with the required improvements to the plant and the Flint River dam system. And that although it appeared that this was a viable option, Flint, in a meeting on December 20th, 2012 with the treasury, stated that the City did not want to pursue that option and it is no longer being considered.

Do you recall that being discussed in one of those meetings you referred to earlier?

A No. But that's consistent with the decision that we reached.

Q You indicated that you did participate in some of the evaluations of the cost projections at least as it concerned Flint's contribution to the pipeline.

A Flint's participation in the pipeline, yes.

Q Okay. Well, what is your understanding of what Flint's annual contributions will be over the term of years for the loan bond amounts? In other words, what are Flint's debt service payments relative to the pipeline construction going to be on an annual basis?

A The debt service only?

Q And any payments associated with the pipeline

EXHIBIT B

PERMIT APPLICATION FOR WATER SUPPLY SYSTEMS

(CONSTRUCTION - ALTERATION - ADDITION OR IMPROVEMENT) AS DESCRIBED HEREIN

Required under the Authority of 1976 PA 399, as amended

This application becomes an Act 399 Permit only when signed and issued by authorized Michigan Department of Environmental Quality (DEQ) Staff. See instructions below for completion of this application.

Municipality or Organization, Address and WSSN that will own or control the water facilities to be constructed. This permit is to be issued to: **WSSN**:	Permit Stamp Area (DEQ use only)	
Owner's Contact Person (provide name for questions): Contact: Title: Phone:		
Project Name (Provide phase number if project is segmented):	4. **Project Location** (City, Village, Township):	5. **County** (location of proje

ISSUED UNDER THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENT QUALITY

cc:

Issued by: _____

Reviewed by: _____

☐ **If this box is marked see attached special conditions.**

Instructions: Complete items 1 through 5 above and 6 through 21 on the following pages of this application. Print or typ all information except for signatures. Mail completed application, plans and specifications, and any attachments to the DE District Office having jurisdiction in the area of the proposed construction.

Please Note:

a. This **PERMIT** only authorizes the construction, alteration, addition or improvement of the water system described herein and is issued solely under the authority of 1976 PA 399, as amended.
b. The issuance of this **PERMIT** does not authorize violation of any federal, state or local laws or regulations, nor doe it obviate the necessity of obtaining such permits, including any other DEQ permits, or approvals from other units c government as may be required by law.
c. This **PERMIT** expires two (2) years after the date of issuance in accordance with R 325.11306, 1976 PA 399, administrative rules, unless construction has been initiated prior to expiration.
d. Noncompliance with the conditions of this permit and the requirements of the Act constitutes a violation of the Act.
e. Applicant must give notice to public utilities in accordance with 1974 PA 53, (MISS DIG), being Section 460.701 to 460.718 of the Michigan Compiled Laws, and comply with each of the requirements of that Act.
f. All earth changing activities must be conducted in accordance with the requirements of the Soil Erosion and Sedimentation Control Act, Part 91, 1994 PA 451, as amended.
g. All construction activity impacting wetlands must be conducted in accordance with the Wetland Protection Act, Par 303, 1994 PA 451, as amended.
h. Intentionally providing false information in this application constitutes fraud which is punishable by fine and/or imprisonment.
i. Where applicable for water withdrawals, the issuance of this permit indicates compliance with the requirements of Part 327 of Act 451, Great Lakes Preservation Act.

Facilities Description – In the space below provide a detailed description of the proposed project. Applications without adequate facilities descriptions **will be returned**. SEE EXAMPLES BELOW. Use additional sheets if needed.

EXAMPLES – EXAMPLES – EXAMPLES – EXAMPLES – EXAMPLES – EXAMPLES

Water Mains	500 feet of 8-inch water main in First Street from Main Street north to State Street. **OR** 250 feet of 12-inch water main in Clark Road from an existing 8-inch main in Third Avenue north to a hydrant.
Booster Stations	A booster station located at the southwest corner of Third Avenue and Main Street, and equipped with two, 15 Hp pumps each rated 150 gpm @ 200 feet TDH. Station includes backup power and all other equipment as required for proper operation.
Elevated Storage Tank	A 300,000 gallon elevated storage tank located in City Park. The proposed tank shall be spherical, all welded construction and supported on a single pedestal. The tank shall be 150 feet in height, 40 feet in diameter with a normal operating range of 130 – 145 feet. The interior coating system shall be ANSI/NSF Standard 61 approved or equivalent. The tank will be equipped with a cathodic protection system, and includes a tank level control system with telemetry.
Chemical Feed	A positive displacement chemical feed pump, rated at 24 gpd @ 110 psi to apply a chlorine solution for Well No. 1. Chlorine is 12.5% NaOCL, ANSI/NSF Standard 60 approved and will be applied at a rate of 1.0 mg/l of actual chlorine.
Water Supply Well	Well No. 3, a 200 foot deep well with 170 feet of 8-inch casing and 30 feet of 8-inch, 10 slot screen. The well will be equipped with a 20 Hp submersible pump and motor rated 200 gpm @ 225 feet TDH, set at 160 feet below land surface.
Treatment Facilities	A 5 million gpd water treatment plant located at the north end of Second Avenue. The facility will include 6 low service pumps, 2 rapid mix basins, 4 flocculation/sedimentation basins, 8 dual media filters, 3 million gallon water storage reservoir and 6 high service pumps. Also included are chemical feed pumps and related appurtenances for the addition of alum, fluoride, phosphate and chlorine.

General Project Information – Complete all boxes below.

7. Design engineer's name, engineering firm, address, phone number, and email address:

8. Indicate who will provide project construction inspection:
☐Organization listed in Box 1.
☐Engineering firm listed in Box 7.
☐Other - name, address, and phone number listed below.

9. Is a basis of design attached?
☐YES ☐NO

If no, briefly explain why a basis of design is not needed.

10. Are sealed and signed engineering plans attached?
☐YES ☐NO

If no, briefly explain why engineering plans are not needed.

11. Are sealed and signed construction specifications attached?
☐YES ☐NO

If specifications are not attached, they need to be on file at DEQ.

12. Were Recommended Standards for Water Works, Suggested Practice for Water Works, AWWA guidelines, and the requirements of Act 399 and its administrative rules followed?
☐YES ☐NO

If no, explain which deviations were made and why.

13. Are all coatings, chemical additives and construction materials ANSI/NSF or other adequate 3rd party approved?
☐YES ☐NO

If no, describe what coatings, additives or materials did not meet the applicable standard and why.

14. Are all water system facilities being installed in the public right-of-way or a dedicated utility easement? (For projects not located in the public right-of-way, utility easements must be shown on the plans.)
☐YES ☐NO

If no, explain how access will be obtained.

15. Is the project construction activity within a wetland (as defined by Section 324.30301(d)) of Part 303, 1994 PA 451?
☐YES ☐NO

If yes, a wetland permit must be obtained.

16. Is the project construction activity within a 100-year floodplain (as defined by R 323.1311(e)) of Part 31, 1994 PA 451, administrative rules?
☐YES ☐NO

If yes, a flood plain permit must be obtained.

17. Is the project construction activity within 500 feet of a lake, reservoir, or stream?
☐YES ☐NO

If yes, a Soil and Erosion Control Permit must be obtained or indicate if the owner listed in box 2 of this application is an Authorized Public Agency (Section 10 of Part 91, 1994 PA 451) ☐ Owner is APA.

18. Will the proposed construction activity be part of a project involving the disturbance of five (5) or more acres of land?
☐YES ☐NO

If yes, is this activity regulated by the National Pollutant Discharge Elimination System storm water regulations?
☐YES: NPDES Authorization to discharge storm water from construction activities must be obtained.

☐NO: Describe why activity is not regulated:

Please call 517-241-8993 with questions regarding the applicability of the storm water regulations.

19. Is the project in or adjacent to a site of suspected or known soil or groundwater contamination?
☐YES ☐NO

If yes, attach a copy of a plan acceptable to the DEQ for handling contaminated soils and/or groundwater disturbed during construction. Contact the local DEQ district office for listings of Michigan sites of environmental contamination.

20. IF YOU ARE A CUSTOMER/WHOLESALE/BULK PURCHASER, COMPLETE THE FOLLOWING

1) Name and WSSN of source water supply system (seller) _____

2) Does the water service contract require water producer/seller to review and approve customer/wholesale/bulk purchaser water system construction plans?
☐YES ☐NO

If yes to #2, the producer/seller approval letter must be attached when submitted to DEQ.

21. **Owner's Certification** The owner of the proposed facilities or the owner's authorized representative shall complete the owner's certification. It is anticipated that the owner will either be a governmental agency (city, village, township, county, etc.) or a private owner (individual, company, association, etc.) of a Type I public water supply.

OWNER'S CERTIFICATION

I, _____ (name), acting as the _____ (title/position) fo
(print) (print)

_____ (entity owning proposed facilities) certify that this project has
(print)

been reviewed and approved as detailed by the Plans and Specifications submitted under this application, and is in compliance with the requirements of 1976 PA 399, as amended, and its administrative rules.

Signature* Date Phone

*Original signature only, no photocopies will be accepted.

PROJECT BASIS OF DESIGN – FOR WATER MAIN PROJECTS

PROJECT NAME: _____

For this PROJECT the following information must be provided per Act 399 unless waived by the Department. For projects other than water main installation, or if additional space is needed, attach separate sheet(s) with detailed Basis of Design calculations.

A. A general map of the initial and ultimate service areas
☐ Included on engineering plans ☐ Attached separately

B. Number of service connections served by this permit application _____

C. Total number of service connections ultimately served by entire project _____

D. Residential Equivalent Units (REUs) served by this permit application _____

E. Total Residential Equivalent Units (REUs) ultimately served by entire project _____

F. Water flow rates for proposed project based on REUs listed in "D' and "E" above

1. Initial design average day flow (mgd) _____
2. Initial design maximum day flow (mgd) _____
3. Total design average day flow (mgd) _____
4. Total design maximum day flow (mgd) _____
5. Required fire flows: (1) _____ gpm for _____ hours

G. Actual flows and pressures of existing system at the connection point(s) (2)

_____ gpm at _____ psi
_____ gpm at _____ psi
_____ gpm at _____ psi
_____ gpm at _____ psi

H. Estimated minimum flows and pressures within the proposed water main system (3)

_____ gpm at _____ psi

(1) Every water system must decide what levels of fire fighting flows they wish to provide. Fire flow should be appropriate for the area (residential, commercial, industrial) being served by the project. Typical fire flow rates can be obtained from the water supply, local fire dept., ISO or AWWA. The water system must then be designed to be able to provide the required fire flows while maintaining at least 20 psi in all portions of the distribution system.

(2) Flows and pressures at the connection points must be given to determine if the existing water main(s) are able to deliver water to the new service area. These numbers can be obtained from a properly modeled and calibrated distribution system hydraulic analysis or hydrant flow tests performed in the field. If more than one connection is proposed, list as needed.

(3) List what the estimated minimum flows can be expected in the proposed water mains based on estimated water demands, head losses, elevation changes and other factors that may affect flows, such as dead end mains.

EXHIBIT C

State says Flint hasn't applied for permit to use river as drinking water source

A look at Flint water plant's facilities
The city plans to switch over to the Flint River as a primary drinking water source in April. *(MLive.com File Photo)*

Dominic Adams | dadams5@mlive.com By **Dominic Adams | dadams5@mlive.com**
Follow on Twitter
on March 28, 2014 at 6:30 AM, updated March 28, 2014 at 6:35 AM

FLINT, MI – Not so fast, state officials are telling Flint administrators charging toward an April 18 date to begin using the Flint River for all of the city's water needs.

The Michigan Department of Environmental Quality says it hasn't received the proper paperwork from the city. When the state does get it, a review of the application for state permission to use the river could take 30 to 45 days.

The city is switching over from buying treated water from Detroit to using the Flint River for drinking water temporarily. Once the Karegnondi Water Authority completes its pipeline from Lake Huron to Genesee County, Flint will switch to the KWA.

"In regards to the actual application, we haven't received one," said Steve Busch, Lansing and Jackson district supervisor in the DEQ's office of drinking water and municipal assistance. "We've received preliminary design plans and preliminary specifications and we've commented on those. They may be waiting until they have all the comments worked out before they submit the application."

Flint has bought treated Lake Huron water from Detroit, but that contract was terminated when Flint signed on to purchase 18 million gallons of raw water per day from the Karegnondi Water Authority. The contract termination goes into effect April 17.

The under-construction pipeline will bring raw Lake Huron water to Flint and Genesee County when it is complete by the end of 2016.

People in the city will drink Flint River water until the pipeline is complete. The Detroit Water and Sewerage

Department said it would **stop selling water to Flint and Genesee County** on its current contract on April 17, 2014. Genesee County is negotiating with Detroit for water until the KWA pipeline is flowing.

Busch said state reviews generally take between 30 and 45 days, but would not comment on if Flint would be ready to transition to river water by the time Detroit terminates the contract with the city.

"A fully engineered construction package, including all the work to be performed, has been submitted to the DEQ by the city of Flint in preparation for the transition to use of the Flint River as a temporary primary water source," said Howard Croft, Flint's director of public works, in a statement. "The submittal package has been under review for more than 30 days. The city has had ongoing discussions with the DEQ regarding the process and we anticipate a favorable response soon."

If the state hasn't approved Flint's use of river water by April 18, Busch said, the city would just continue to buy water from Detroit on a non-contract price until Flint has state OK to begin using the river.

"I don't think there is any scenario that we will just willy-nilly cut off service for Flint," said Bill Johnson, a consultant and spokesman for Detroit Water and Sewerage Department. "Negotiations are continuing."

Croft said the DEQ has been reviewing the request and asking questions throughout.

"When both sides come to an agreement and all issues have been addressed, then the permit is granted," Croft said in the statement. "Flint has been in ongoing communication with Genesee County and the DWSD to ensure that there is no interruption of water service to Flint customers. As the Mayor (Dayne Walling) said in his State of the City address 'beginning this spring, we will be using treated water from the Flint River as our temporary primary water source.' We are still on target to meet this goal."

Croft said there will be a series of public forums where residents can ask questions about the city's water transition, what that will mean for rates and others. He did not have specifics about when and where those meetings will take place.

*Dominic Adams is a reporter for The Flint Journal. Contact him at **dadams5@mlive.com** or 810-241-8803. Follow him on **Twitter**, **Facebook** or **Google+**.*

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EXHIBIT D

Emergency manager says city could have permit to use Flint River water by next week

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on April 05, 2014 at 6:00 AM, updated April 05, 2014 at 6:03 AM

FLINT, MI -- The city expects to have a state permit that will allow it to use the Flint River for drinking water by next week.

Emergency manager Darnell Earley said today, April 4, that the final application for the permit has been filed with the state Department of Environmental Quality after months of working with the state to ensure smooth sailing for the application.

"We expect to have the permit early next week," said Earley. "We are still on track to operate our treatment plant this spring."

The emergency manager's comments come after a **story in MLive-The Flint Journal** last week indicated the DEQ had not received the proper paperwork from the city for permission to use the river.

DEQ officials said in the story that the application process could take 30-45 days, but Earley challenged the idea that it will take that long and said city and state officials have been working closely in advance of submitting the final application.

The city is attempting to switch from buying treated water from the city of Detroit to using the Flint River for drinking water temporarily by mid-April.

Once the Karegnondi Water Authority completes its pipeline to Lake Huron, the city has committed to switching back to using water from Lake Huron and the KWA again

Earley said he expects to transition from Detroit water to Flint River water by April 17, the date Detroit officials have set for terminating the existing arrangement between the two cities.

"We don't think there will be a lag" between those dates, he said.

Earley said he has a contingency plan if the switch to the Flint River isn't made by April 17. Detroit Water

and Sewerage officials have said they don't intend to attempt to shut off the water supply to the city under any circumstances.

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EXHIBIT E

Flint gets final permit approvals from state to use Flint River for drinking water

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on April 10, 2014 at 4:00 PM, updated April 10, 2014 at 4:10 PM

FLINT, MI -- Bottoms up, Flint.

The state of Michigan has issued the **permits needed** for the city to begin using the Flint River for drinking water, a major step toward ending water purchases from the city of Detroit as early as next week.

"They've got a series of construction permits" that were issued Wednesday, April 10, said Brad Wurfel, a spokesman for the state Department of Environmental Quality. "They are**racing** to get all this work done."

The permits have been on Flint's to-do list since the Detroit Water and Sewerage Department said it was terminating its contract to sell water here on April 17.

That deadline was issued one year ago, and city and state water officials have been working and consulting on required upgrades at Flint's water treatment plant since.

Flint spokesman Jason Lorenz said today, April 10,that the city is still targeting April 17 as the day to shut off Lake Huron water -- treated and pumped here by DWSD -- and to turn on the intakes into the river.

Because work is still going on inside and outside the city's treatment plant, the exact time and date for the switch hasn't been set yet, Lorenz said.

Earlier this week, Flint emergency manager Darnell Earley called the city's ability to cut out the cost of water purchases from Detroit a "monumental change" for the city.

"The city of Flint will be able to control water costs," Earley said. "I'm kind of glad we're not a part of that discussion (about the future of the Detroit water system) anymore."

A consultant hired by Earley is expected to recommend new water rates during a City Council committee meeting at 5 p.m. today. The emergency manager has already said**rates will not be reduced** because of upgrades that are needed in Flint's water distribution system.

Flint officials will need that infrastructure upgrade whether they use river or lake water. City officials have signed an agreement to use Lake Huron water supplied by the Karegnondi Water Authority once the pipeline it is building is completed -- something that's expected to happen in 2016.

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EXHIBIT F

Watch Mayor Dayne Walling, EM Darnell Earley drink Flint River water before turning Detroit connection

Mayor Dayne Walling turns off water supply from Detroit, drinks Flint River water

Mayor Dayne Walling turns off the flow of water from Detroit as the Flint transitions to using the Flint River

Dominic Adams | dadams5@mlive.com By **Dominic Adams | dadams5@mlive.com**

Follow on Twitter

on April 25, 2014 at 1:00 PM, updated April 28, 2014 at 10:30 AM

FLINT, MI – Mayor Dayne Walling asked for a countdown from the group of about a dozen people huddled inside a small building on Friday, April 25.

"Three, two, one," they counted, then Walling pushed a small black button.

Seconds later, a green light winked out, and that was it.

Watch the video to see Flint effectively cut its water ties with Detroit when the mayor pushes the button.

Flint will use the river until the Karegnondi Water Authority builds its pipeline to Genesee County. The $274 million project is expected to be complete sometime in 2016.

Friday's event at the Flint water treatment plant also featured Walling and other elected officials drinking Flint River water.

"It tastes like...water," said Fourth Ward Councilman Joshua Freeman after drinking a cup.

It should take about two days for the residual Detroit water to clear the city's water system before all Flint customers will be drinking treated river water.

"Water is an absolute vital service that most everyone takes for granted," Walling said. "It's a historic moment for the city of Flint to return to its roots and use our own river as our drinking water supply."

*Dominic Adams is a reporter for The Flint Journal. Contact him at **dadams5@mlive.com** or 810-241-8803. Follow him on **Twitter**, **Facebook** or **Google+**.*

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EXHIBIT G

Second positive coliform bacteria test means Flint's west side water boil notice still in effect

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on August 18, 2014 at 4:00 PM, updated January 17, 2015 at 10:28 AM

(This story has been updated to correct information about water test results in the boil water advisory area.)

Flint Journal file photo

FLINT, MI -- A second water sample in an area where residents have been told to boil their drinking water has tested positive for total coliform, meaning owners of businesses and residents there should continue to boil water until further notice -- at least until Wednesday, Aug. 19.

"We don't know yet what caused this. We don't have a smoking pistol," said Mike Prysby, an engineer with the Michigan Department of Environmental Quality.

Update: Flint officials say 'abnormal' test to blame in E. coli scare

Flint officials have ramped up testing in the boil-water area, a half-mile square area on the city's west side, since a positive test for fecal coliform bacteria on Thursday, Aug. 14.

Fecal coliform bacteria -- also known as E.coli -- can make people sick, and are a particular concern for those with weakened immune systems.

Prysby called fecal coliform bacteria in drinking water unusual, something that typically happens fewer than a half-dozen times in any given year statewide. Sometimes, doesn't happen anywhere in Michigan over a full calendar year, he said.

The second positive test for total coliform came from samples taken Saturday, Aug. 16, according to Prysby.

The U.S. Environmental Protection Agency says positive total coliform tests suggest there may be a pathway

for pathogens and/or fecal contamination to enter the drinking water distribution system.

For drinking water, total coliforms are used to determine the adequacy of water treatment and the integrity of the distribution system, according to EPA.

"The absence of total coliforms in the distribution system minimizes the likelihood that fecal pathogens are present," the agency Web site says. "Thus, total coliforms are used to determine the vulnerability of a system to fecal contamination."

Fecal coliform and E. coli are bacteria that indicate water may be contaminated with human or animal feces.

This is the area in which a boil water advisory is in effect on the west side of the city of Flint.

Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms, and may also pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems, according to a news release from the city.

Flint's boil advisory is in an area bordered by Mann Hall Avenue on the north and east, Whitney Avenue on the south, and the city limits on the west.

The contamination is a concern for Sandi Blackmon, owner of Sandi's Elegant Catering on South Ballenger Highway, who said she's scrambling to keep up with her work with a boil advisory in effect.

Not only does the advisory say water for drinking should be boiled, but also water for washing dishes -- even brushing teeth.

"I'm concerned, because I'm a former culinary arts student. I know about what food-born bacteria can do ... E.coli can be deadly," Blackmon said.

Representatives of other restaurants in the busy commercial area of Balleneger and Corunna Road said they were boiling water Monday and will be until they receive an all-clear message from City Hall.

"It's inconvenient but we do it -- we do the best we can," said David Todorovsky, an owner of Atlas Coney Island.

Flint Councilwoman Vicki VanBuren, who represents the area, has another reason for concern about the boil water advisory.

"My mother lives in that area," VanBuren said. "She has a lot of health concerns (so) I took her over some bottled water and told her not to use (tap water) to drink or cook with it.

"This would concern me no matter what part of the city it was in," she said.

Council members could get more information on the water contamination and what may have caused it at committee meetings this week.

In the meantime, Prysby said there are multiple possible explanations for the contamination, including water main breaks in the area, chlorine levels that are off-kilter or a poor sample location or collection technique.

Prysby said water coming out of Flint's water treatment plant continues to meet all drinking water standards, meaning the problem is within the water distribution system.

"We haven't confirmed a reason," he said of the results, "We're still investigating further. In some situations, we never find out why."

The city is warning the people in the localized area to not drink the water without boiling it first for one minute, and letting it cool before using.

Boiled or bottled water should be used for not just drinking, but for making ice, brushing teeth, washing dishes and preparing food.

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EXHIBIT H

Tests positive for total coliform again in water-boil area on Flint's west side

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on August 19, 2014 at 4:00 PM, updated January 17, 2015 at 10:25 AM

MLive file photo

FLINT, MI -- Water in a small area on Flint's west side has **tested positive** again for total coliform, and the city's boil water advisory there is continuing until at least Wednesday, Aug. 20.

Mike Prysby, district engineer for the Michigan Department of Environmental Quality, said water in the half-square-mile area tested positive for total coliform on Saturday, Aug. 16, and Sunday, Aug. 17.

Flint officials have ramped up testing in the boil-water area since a **positive test for fecal coliform bacteria** on Thursday, Aug. 14.

The boil-water area is Mann Hall Avenue on the north and east, Whitney Avenue on the south, and the city limits on the west.

Fecal coliform bacteria -- also known as E.coli -- can make people sick, and are a particular concern for those with weakened immune systems.

The U.S. Environmental Protection Agency says positive total coliform tests suggest there may be a pathway for pathogens and/or fecal contamination to enter the drinking water distribution system.

Total coliforms are used to determine the adequacy of water treatment and the integrity of the distribution system, according to EPA.

"The absence of total coliforms in the distribution system minimizes the likelihood that fecal pathogens are present," the agency Web site says. "Thus, total coliforms are used to determine the vulnerability of a system to fecal contamination."

The city of Flint**issued a statement** Monday, Aug. 18, saying "testing over the last 48 hours has shown no signs of E. coli or fecal coliform bacteria in the water," but makes no mention of the total coliform test results.

The city's statement says a sampling error is believed to be to blame for the initial abnormal test.

Prysby said the back-to-back positive total coliform tests are a "general indicator there could be more pathogenic organisms present" in water but is "not a direct indicator."

"We haven't narrowed it down to any one possibility (but) we don't play Russian roulette with public health," Prysby said of the abnormal samples and the need to continue testing.

Prysby said test results are "moving in the right direction" because there have been no additional discoveries of E. coli or fedcal coliform bacteria in water.

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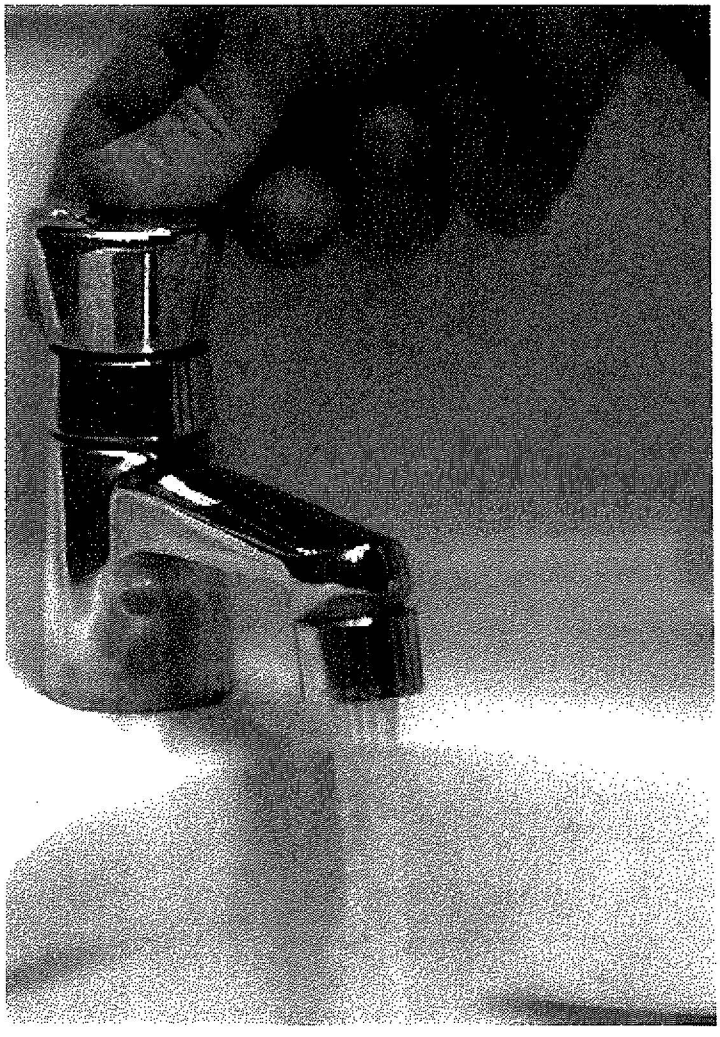
Flint issues boil water advisory for section of the city after positive test for total coliform bacteria

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on September 05, 2014 at 6:56 PM, updated January 17, 2015 at 10:20 AM

FLINT, MI -- The city has issued a boil advisory for a portion of Flint, saying water in the area has tested positive for total coliform bacteria.



MLive file photo

The area of the advisory is bordered by Dayton Street on the north, DuPont Street on the east, the Flint River on the south, and by Lavelle Road to the Flint River on the west, the city said in a news released issued today, Sept. 5.

The latest advisory marks the **second time in less than 30 days** that residents and businesses in a part of the city have been told to boil or use bottled water for drinking, bathing, making ice, brushing teeth, washing dishes, and preparing food.

The U.S. Environmental Protection Agency says positive total coliform tests suggest there may be a pathway for pathogens and fecal contamination to enter a drinking water system.

Total coliforms are used to determine the adequacy of water treatment and the integrity of the distribution system, according to EPA.

"The absence of total coliforms in the distribution system minimizes the likelihood that fecal pathogens are present," the agency Web site says. "Thus, total coliforms are used to determine the vulnerability of a

system to fecal contamination."

Boiling water kills bacteria or other harmful organisms, according to the city's advisory.

"Total coliform bacteria are generally not harmful themselves. Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present," the city's statement says.

"Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or E. coli, are present. We did not find any of these bacteria in our subsequent testing," the statement says.

The city says it will flush the system in the boil advisory area and increase chlorine added to water.

All water testing results at the city's Water Treatment Plant have shown Flint's water, which is drawn from the Flint River, meets all Safe Water Drinking Standards when it leaves the facility.

The city says anyone with questions about the advisory or any other water issues should call 810-787-6537.

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Important Information About Your Drinking Water

Tests showed coliform bacteria in the City of Flint water

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct the situation.

We routinely monitor for drinking water contaminants. We took 150 samples to test for the presence of coliform bacteria during September 2014. 15 of those samples (10%) showed the presence of coliform bacteria. The standard is that no more than 5 percent of our samples may do so.

What should I do?

You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor. People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their healthcare providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. A portion of the City was notified to boil their water at the time of the incident until it was resolved. Coliform bacteria are generally not harmful themselves.

Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than were allowed and this was a warning of potential problems.

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or E. coli, are present. We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.

What happened? What was done? On September 5, 2014, after routine and repeat samples showed the presence of total coliform, a boil water order was issued to the affected area. That area was flushed and resampled until samples were non-detect for total coliform. The boil order was lifted on September 9, 2014. Samples collected since then show that all results met acceptable limits.

For more information, please contact Mr. Brent Wright, Water Plant Supervisor, City Of Flint - DPW at 810.787.6537 ext. 3510 or Flint Water Plant - 4500 North Dort Highway, Flint, MI 48505.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the City of Flint.

CERTIFICATION: F2, S3 WSSN: 02310

I certify that this water supply has fully complied with the public notification requirements in the Michigan Safe Drinking Water Act, 1976 PA 399, as amended, and the administrative rules.

Signature	PLANT SUPERVISOR Title	10-23-14 Date Distributed

Reminder to water supplier: This notice / certification must be sent to the DNRE.

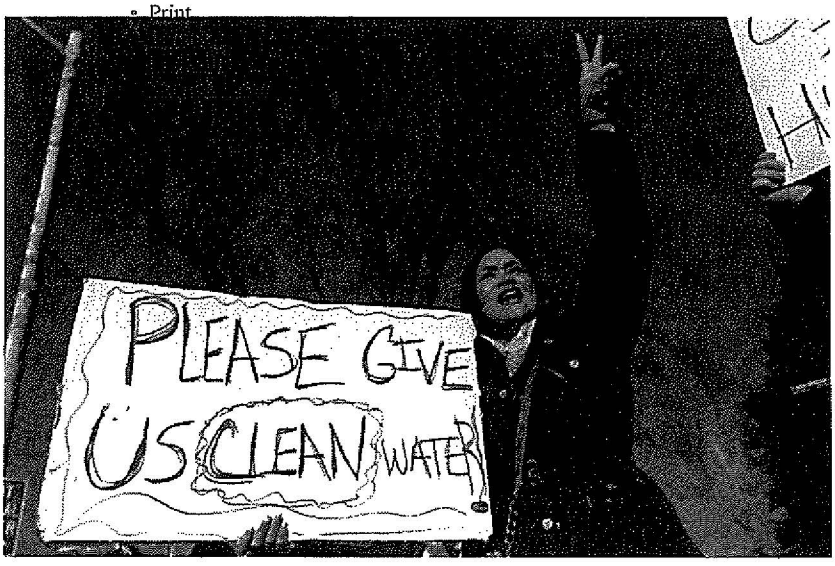
EXHIBIT I

- Weekly Ads
- Local Guide
- Today's Ads
- Classifieds

- Tools
  - Email Newsletter Sign up
  - Advertise with Us
  - Contact Us
  - Work for Us
  - Order Photo Reprints
  - Contests
  - Subscribe
  - Manage Your Subscription
  - Newsstand Locations
  - E-Paper
  - Text Alerts
  - RSS
  - Newspapers in Education
  - GasBuddy

- Twitter
- Home â†'
- News
  - Reddit
  - Pinterest
  - 2 Comments
  - Email
  - Print

Some Flint residents complain of skin problems from water



In this photo taken on Tuesday, Jan. 13, 2015, Gina Reynolds, a University of Michigan Flint student majoring in social work, chants "clean water is a human right," at cars passing by during a small protest over the conditions of the Flint water system in Downtown Flint, Mich. (AP Photo/The Flint Journal-MLive.com, Sam Owens)

By The Associated Press

Posted: 01/14/15, 4:25 PM EST | Updated: on 01/14/2015

2 Comments

FLINT- Some Flint residents are complaining that the city's water is causing skin problems for some children.

Hundreds of people turned out Tuesday to discuss Flint's water quality at a meeting with the mayor and city council members. Flint resident Qiana Dawson said her 4-year-old and 2-year-old have broken out in rashes because of the water, resulting in high doctor's bills.

"You all need to work with me on money," she said.

LeeAnne Walters said her 3-year-old, who has a compromised immune system, has been suffering from skin problems after bathing in the water.

"We got bad water," said City Councilman Eric Mays, who hosted the meeting. "If you buy a bad product, you return it for a refund."

The meeting was held hours after demonstrators gathered outside Flint City Hall to protest water quality and rising bills, The Flint Journal reported .

The city insists the water is safe.

Flint Mayor Dayne Walling said officials needs to focus on how to improve the water.

"I'm talking with people about water every single day," Walling said. "We need to work together as a community, with the cooperation of the state and federal government, to fix this issue."

Issues with the city's water supply emerged after Flint stopped buying water from Detroit's water department. Flint officials this month said they were dealing with elevated levels of a disinfection byproduct.

Flint switched from using Lake Huron as its drinking water source in April. The city plans to use the Flint River as its water source until the end of 2016, when the Karegnondi Water Authority expects to complete construction of a new Lake Huron water pipeline.

Some want Flint to switch back to using Detroit's water.

Walling has supported the decision by state-appointed emergency manager Darnell Earley to hire a consultant to correct the treatment of water from the Flint River. Gov#Rick Snyder on Tuesday announced that Earley would be put in charge of the struggling Detroit Public Schools district.

Earley said last week that going back to Detroit water was cost prohibitive and that the city "can ill-afford to switch course."

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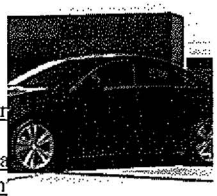

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Fourth family member sentenced for K2 sales

EXHIBIT J

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

City of Flint Did Not Meet Treatment Requirements

Our water system was recently found to be in violation of a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Samples were collected for total trihalomethanes (TTHM) analysis from eight locations on a quarterly basis (May 21, August 21, and November 20 of 2014). The average of the results at **ANY** of the eight locations must not exceed the maximum contaminant level (MCL) for TTHMs, otherwise our water system exceeds the Maximum Contaminant Level (MCL). The standard for TTHMs is 80 ug/L. The location reporting the highest TTHM level was 99 ug/L; thus, our water system exceeds the TTHM MCL.

What should I do?

- There is nothing you need to do unless you have a severely compromised immune system, have an infant, or are elderly. In that case, you may be at increased risk and should seek advice about drinking water from your health care provider.
- You do not need to boil your water or take other corrective actions. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.

What does this mean?

This is not an emergency. If it had been an emergency, you would have been notified within 24 hours.

People who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.

What is being done?

We are currently working on solutions to correct the problem. We anticipate resolving the problem in 2015.

For more information, please contact Mr. Brent Wright or Mike Glasgow at 810-787-6537 or the Water Plant at 4500 North Dort Highway, Flint, MI 48505.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the City of Flint.

CERTIFICATION: F1 S3 WSSN: 02310

I certify that this water supply has fully complied with the public notification requirements in the Michigan Safe Drinking Water Act, 1976 PA 399, as amended, and the administrative rules. Reminder to water supplier: This notice/ certification must be sent to the DEQ.

Michael Glasgow ASSISTANT SUPERVISOR 1/2/15

Signature Title Date Distributed

City warns of potential health risks after Flint water tests revealed too much disinfection byproduct

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on January 02, 2015 at 9:09 PM, updated January 17, 2015 at 10:04 AM

FLINT, MI -- The city says there's been too much disinfection byproduct in Flint's water system recently, something that -- over many years could cause liver, kidney or central nervous system problems and an increased risk of cancer.

The notice from the city says Flint water is safe to drink but warns those with "a severely compromised immune system, (who) have an infant or are elderly" that they "may be at increased risk and should seek advice about drinking water from your health care provider."

For others, there is no need to boil water or take other actions, the notice says.

"It 's been a **rocky road**," City Council President Josh Freeman said. "It's not acceptable.

"People have a reasonable expectation that they are going to have quality drinking water. This is obviously going to rattle people."

Mailed Friday, Jan. 2, the customer notices come after the state Department of Environmental Quality issued a notice of violation of the Safe Drinking Water Act for maximum contaminant levels for trihalomethanes -- or TTHM -- a group of four chemicals that are formed as a byproduct of disinfecting water.

As city water plant operators used additional chlorine to fight bacteria in the Flint water system this summer, disinfectant byproduct levels also likely increased, city officials said Friday.

Levels of TTHM have decreased since that time, and in Nov. 20, testing at eight locations showed only one that exceeded maximum contamination levels, according to the state's notice of violation.

Testing on Aug. 21 showed contaminant levels were higher than maximum levels allowed at each of the same eight locations.

"The water in our system today is not in violation" because of efforts to improve the distribution system and adjust water treatment, said Doughtery Johnson, utilities administrator at the Flint water treatment plant.

Those changes "have likely contributed in part to the reduction in TTHM levels reported in the most recent

quarter, and suggest the city may be able to achieve compliance with the TTHM standard," the state's violation notice says.

City officials released a statement Friday saying its actions "appear to have corrected ... known compliance issues with the system, including a recent temporary increase in the maximum contamination level (MCL) of trihalomethanes (TTHM)

"Both the city of Flint and the MDEQ expect the corrective measures being implemented will resolve the issue by early 2015," the statement says.

The city's recent violation for excessive disinfectant byproducts is the latest in a series of issues for the Flint water system since officials **changed the water source** pumped to homes and business from treated Lake Huron water purchased from the city of Detroit to water drawn directly from the Flint River and treated in Flint.

The use of Flint River water is expected to be temporary because the city is a partner in the Karegnondi Water Authority, which is building a new water pipeline to Lake Huron.

Once that system is put into service, something that's expected to happen by the end of 2016, Flint will be in a position to return to using lake water.

Freeman said that long-term plan remains "the right path to be on" and said the city appears to be on course to fix the problem of disinfection byproduct levels, but Councilman Eric Mays called on the City Council to hold an inquiry about drinking water quality.

"Sworn information given under oath is the only information I trust," Mays said.

Residents have complained to the council about the smell and taste of the water since Flint stopped the flow of lake water here and there were three boil water advisories in a 22-day span this summer after positive tests for total coliform and fecal coliform bacteria.

In October, **General Motors announced** that it would no longer use treated river water at its engine plant here because of fears high chloride levels would cause corrosion.

Flint Department of Public Works Director Howard Croft said that the city's aging water distribution system remains the biggest obstacle to meeting Safe Drinking Water standards but officials have also said the relatively low quality of untreated river water and the need to more carefully manage chemical treatment has also been a factor.

Croft told a City Council committee in September that river water has proven hard to treat and to keep safe because of variables that wouldn't be factors in lake water, like temperature fluctuation and rain.

But Croft said the city has made improvements to its distribution system and said additional improvements are on the way, including pipe replacements, leak detection and hydraulic monitoring.

Johnson said the size of Flint's water system, which once served more than 200,000 people and now serves about half that number, also makes keeping water fresh in distribution pipes difficult.

Stagnant water is more susceptible to contamination, officials have said.

Flint will remain in violation of the Safe Drinking Water Act until every test site in the city has acceptable levels of disinfectant byproducts, Johnson and Croft said.

The next round of testing is scheduled to take place in February.

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EXHIBIT K

Lower TTHM levels put Flint in compliance with Safe Drinking Water Act

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on September 03, 2015 at 3:17 PM

FLINT, MI -- The city is no longer in violation of the federal Safe Drinking Water Act because the level of total trihalomethanes in water samples collected last month has fallen, the Michigan Department of Environmental Quality says.

The DEQ notified the city of the test results in a letter Wednesday, Sept. 2, ending eight months of the city under a violation of the act. The city will no longer have to send water customers warning notices about TTHM levels.

"Creative measures by the city have been successful in achieving compliance with this standard," reads the letter from Michael F. Prysby of the DEQ. "These measures have included replacement of anthracite filter media with granular activated carbon as well as the optimization of water treatment plant and distribution system processes and operations as recommended through operational evaluations conducted by the city.

"It is important that the city continue to follow these recommendations in order to limit disinfection byproduct formation and maintain compliance (with state requirements)," the letter says. "While (requirements have) now been met at all eight compliance sampling sites, an individual TTHM concentration above (80 parts per billion) was measured at one location ... in August 2015."

The location of the highest TTHM test in August was at Salem Housing, 3216 King Boulevard, which registered 90 ppb. Flint's violation of the federal law was the result of the annual average of TTHM above 80 ppb at a minimum of one of the eight testing locations.

City officials have said they expected improved TTHM levels after the installation of the new **$1.6 million carbon filter** this summer.

"The city of Flint is continuing to improve its water system, including both the areas of treatment and distribution," Mayor Dayne Walling said in a news release issued by the city Thursday, Aug. 3.

TTHM is a colorless, odorless byproduct of chlorinating water with high levels of total organic carbon. The city began having problems managing TTHM after it began using the Flint River as its water source in April 2014.

In past notices mailed to Flint water customers, the city has warned that drinking water with excess amounts of TTHM can pose increased health risks for those with a compromised immune system, the elderly, pregnant women and infants.

The good news on TTHM comes the day after researchers at Virginia Tech published an online report, saying tests show Flint **drinking water is "very corrosive"** and is "causing lead contamination in homes."

A statement from Walling on the lead issue says the city will work with the DEQ on a plan aimed at reducing the corrosive effects of water on older transmission pipes and home service lines.

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EXHIBIT L

(/lifestyle)

Scary: Leaded Water and One Flint Family's Toxic Nightmare

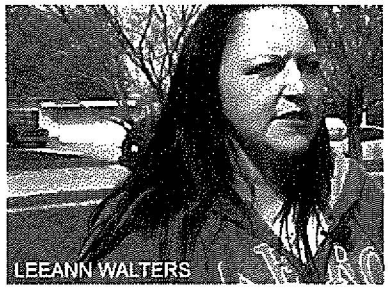
July 9th, 2015, 11:28 PM

Like 2 61

Curt Guyette is an investigative reporter for the ACLU of Michigan. His work, funded by a grant from the Ford Foundation, focuses on emergency management and open government. He writes regularly for Michigan Democracy Watch Blog. (http://www.aclumich.org/democracywatch/index.php/entry/hard-to-swallow-toxic-water-in-a-toxic-system)

By Curt Guyette

It took a while for LeeAnne Walters to realize the full impact of the number: 13,200.


LEEANN WALTERS

Walters—a stay-at home mom with four sons and a husband in the Navy—had seen other numbers reflecting the quality of drinking water at her Flint home that were devastating. But 13,200? She'd never seen anything like this.

The city had tested her water twice in this past March and both times found dangerously high levels of lead—104 parts per billion (ppb) and 397 ppb, respectively.

Those numbers filled her with dread, because they meant her family had been exposed to high levels of a terribly toxic heavy metal that put her children's future in jeopardy.

But it was the result of a third test of the tap water in her home, performed by independent experts at Virginia Tech University, that most stunned Walters.

"It took a while for me to wrap my head around it," said Walters.

The VT researchers discovered lead levels in Walters' water reached a jaw-dropping 13,200 ppb—more than twice the amount at which the U.S. Environmental Protection Agency classifies

water as hazardous waste.

"When I saw those numbers I was shocked," said Virginia Tech professor Marc Edwards, a former MacArthur Fellow and respected authority on corrosion in drinking-water systems, who oversaw the tests.

Edwards played a key role in discovering and addressing the problem of corroded water pipes and lead in Washington, D.C. during the early 2000s, in what's described as the *worst* contamination crisis ever seen in a major *urban* water system.

In terms of lead levels, the Walters family's numbers eclipsed even the worst D.C. homes.

"I have never in my 25-year career seen such outrageously high levels going into another home in the United States," said Edwards. "This was literally hazardous-waste levels."

But the condition of Walters' tap water raises a much more far-reaching question: Since the city moved away from Detroit's water system and began pumping water from the Flint River, how many other families have been put at risk by the city's questionable testing procedures and handling of the water supply?

The Walters family surely isn't alone in dealing with the threat of lead-laced drinking water. Flint has tens of thousands of homes that are a half-century old or older, built at a time when water service lines were typically made of lead.

And according to various experts, including an EPA water-quality specialist, the city's actions are only exacerbating the threat.

"What the public needs is accurate information," explained Miguel Del Toral, regulations manager for the Ground Water and Drinking Water Branch of the EPA's Region 5.

Instead, the city is utilizing testing measures that almost ensure that worst-case scenarios such as the one facing the Walters family escape detection, asserted Del Toral in an internal EPA memo provided to the ACLU of Michigan.

Compounding the threat is what Del Toral describes as the continued inability of officials to adequately treat water coming into people's homes from the Flint River.

"I don't want to scare people unnecessarily," said Del Toral in a phone interview from his home in Chicago. "But there is absolutely a problem in Flint that needs to be addressed right away."

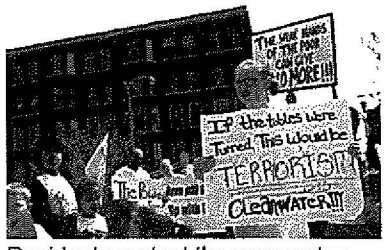
During his interview with the ACLU of Michigan, Del Toral said he was willing to go on the record with his concerns, but that he was doing so as a private citizen, not as a representative of the EPA.

EPA rules, he said, required that such interviews be routed through the agency's public affairs people. But he's willing to speak out nonetheless, he said, because of the potential harm to the public is so great.

WATERING DOWN THE TESTS

Perhaps the most vexing problem in all of this is the contamination caused by the city's decades-old network of lead and iron pipes—a problem directly connected to the switch to river

water, and the city's failure to adequately treat it.



Residents protest the poor water quality

Under the U.S. Environmental Protection Agency's rules, if lead reaches a level of 15 parts per billion in water, the source of the problem must be identified and corrected.

In early March, after months of requests (and only after Walters had received a doctor's note raising concerns about problems with the water), the city finally conducted a test. It found lead levels of 104 ppb the first time. A second test recorded a level of 397 ppb.

Blood tests, taken after those water-sample numbers were reported, revealed that one of her children, a four year old, had lead poisoning.

The news was devastating, said Walters, and the concern it creates for her child's future is haunting.

"Lead can affect almost every organ and system in your body," according to the EPA's web site. "Children six years old and younger are most susceptible ... Even low levels of lead in the blood of children can result in: behavior and learning problems; lower IQ and hyperactivity; slowed growth; and hearing problems."

Those dangers made Walters all the more determined to get her questions answered.

For one thing, she wanted to know why residents were being instructed to "pre-flush" water lines before drawing samples that would be tested by the city

After much searching, she found Del Toral at the EPA's Region 5 in Chicago. He explained to her that her instincts were right, and that she had good cause to be concerned about the way testing was being done.

"The practice of pre-flushing before collecting compliance samples has been shown to result in the minimization of lead capture and significant underestimation of lead levels in drinking water," wrote Del Toral in an internal memo dated June 24.

Del Toral went on to say that the city's testing methods were a "serious concern" because they "could provide a false sense of security to the residents of Flint regarding lead levels in the water." As a result, he warned, residents could fail to take the necessary precautions to protect their families from lead in the drinking water.

Virginia Tech's Edwards completely agrees with Del Toral's assessment.

"The net effect of a 'pre-flush' is to greatly reduce the likelihood of detecting lead in samples collected ... that would normally be present in the consumers drinking water," Edwards wrote in an email. "I have long maintained that the practice should be banned, as it artificially lowers the amount of lead detected in samples versus typical consumer exposure."

Asked about these concerns, city spokesman Jason Lorenz offered the following email reply: "While I cannot directly respond to Mr. Del Toral's remarks without first contacting the EPA

Region 5 office, I can say that the City of Flint follows all the testing procedures and schedules as required by the U.S. EPA."

He added that the Michigan Department of Environmental Quality (MDEQ) endorses the city's sampling method. The MDEQ did not respond to phone calls and e-mails seeking its comments on the controversy.

Del Toral contended in an interview that what Flint's doing is actually exploiting a "loophole" in the law.

"From a technical standpoint, there's no justification for the way Flint is conducting its tests," Del Toral said. "Any credible scientist will tell you [the city's] method is not the way to catch worst-case conditions."

There is no legitimate reason for the city's methodology, said Del Toral.

During his interview with the ACLU of Michigan, Del Toral said he was willing to go on the record with his concerns, but that he was doing so as a private citizen, not as a representative of the EPA.

EPA rules, he said, required that such interviews be routed through the agency's public affairs people. But he was willing to speak out nonetheless, he said, because of the potential harm to the public.

FLUSHING OUT REAL ANSWERS

It was Del Toral who, after determining that the lead problem plaguing the Walters family was coming from outside their home, connected LeeAnne with Edwards at Virginia Tech.

Instead of taking a single sample after a line had been "pre-flushed" under the city's direction, Edwards instructed Walters to collect a series of samples from water that had been allowed to sit in the service line long enough to accurately reflect levels the family could be exposed to under normal use.

(Meanwhile, that same service line, dug up and replaced after the sample collection, was found to be made of lead in one section and iron in another.)

Edwards tested the water and discovered that the lead contamination ranged from 200 ppb to the 13,200 ppb figure that stunned LeeAnne Walters—and should likewise shock many others.

Given the age of much of Flint's infrastructure, Edwards agrees with Del Toral's assessment that the test results they found at the Walters home amount to an alarm going off, and others in the city need to pay attention.

"I do not see any reason why there would not be serious problems occurring in at least some other Flint homes," said Edwards.

In 1986, the U.S. Safe Drinking Water Act was amended to prohibit the use of lead pipes in public water systems. Every house built before that is potentially at risk, said Edwards. About half of Flint's roughly 40,000 homes are at least 50 years old.

Making things worse is the fact that the high levels of chlorine being used to treat Flint's dirty river

water lead to the creation of a carcinogenic byproduct know as total trihalomenhanes, or TTH?M. To keep TTHM levels down, the city is adding ferric chloride. The trouble is, that additive can also accelerate the corrosion of lead and iron pipes.

Adding yet another layer to the problem is something the city is *not* doing.

According to Del Toral, Flint should be adding corrosion-control chemicals designed to help keep lead and copper in pipes from leaching into drinking water. Doing so is required by federal regulations, wrote Del Toral in his memo.

"To our knowledge, that is inaccurate," said Flint spokesman Lorenz. "Before the plant was placed in operation, the City (and our engineering firm) had numerous discussions with DEQ personnel and inquired if corrosion-control chemicals – typically phosphates --needed to be included in the treatment process. The use of these chemicals was not required or mandated."

What's indisputable is this:

Flint's water contained corrosion-control chemicals until April 2014, when Flint's ties to the Detroit water system were severed. Flint officials hailed that changeover as a cost-cutting move for a city facing a financial crisis so severe it had been placed under the control of a state-appointed emergency manager.

Discontinuing the use of the anti-corrosion chemicals allowed toxic scale built up on the insides of pipes over the past decades to be released into water flowing into people's homes, explained Del Toral.

In his memo, Del Toral warned: "The lack of mitigating treatment is especially concerning as the high lead levels [that result] will likely not be reflected in the City of Flint's compliance samples due to sampling procedures used…"

In other words, at the same time the city is exacerbating the problem, it's conducting tests that will probably fail to identify the true extent of the threat.

Del Toral described the situation as a "major concern."

"In the absence of any corrosion control treatment, lead levels in drinking water can be expected to increase," he warned in his memo.

The EPA offered Flint officials the use of agency experts to help get the situation under control, said Del Toral, but added that, to his knowledge, the city has so far declined all help.

LeeAnne Walters said that when she asked why city officials weren't taking the EPA's offer of assistance, she was told, "We don't need it."

Flint spokesman Lorenz, on the other hand, maintained that "the city continues to work closely with the MDEQ and the EPA Regional Office."

As for Walters's family, that the city has finally replaced the service line leading to their home, and lead levels have dropped below the 15 ppb EPA action level.

The problem now, she said, is that water currently coming out of her tap tinged yellow and smells of rotten eggs. City officials have given her no explanation as to the possible cause of that.

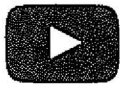
It is just one more in a long list of questions that need to be addressed.

"What we need," said Walters, "are more answers."

But it's not just answers the people of Flint require.

They also need solutions. And, as Del Toral's EPA memo emphasizes, they need them immediately.

Corrosive Impact: Leaded Water & One Flint Family's T...



Read more: Michigan Democracy Watch Project (http://www.aclumich.org/democracywatch/index.php/entry/corrosive-impact-leaded-water-and-one-flint-family-s-toxic-nightmare)

Lead leaches into 'very corrosive' Flint drinking water, researchers say

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on September 02, 2015 at 5:41 PM, updated September 03, 2015 at 9:01 AM

Flint Journal file photo

FLINT, MI -- Flint drinking water is "very corrosive" and "causing lead contamination in homes," researchers from Virginia Tech University reported online Wednesday, Sept. 2.

"On a scientific basis, Flint River water leaches more lead from plumbing than does Detroit water," the report concludes. "This is creating a public health threat in some Flint homes that have lead pipe or lead solder."

The Virginia Tech report comes as students there, overseen by Professor Marc Edwards, are in the final days of testing water collected from 300 sample kits distributed to Flint residents.

On Monday, Aug. 31, the researchers reported 42 percent of 120 initial samples from Flint had lead levels that were more than 5 parts per billion, "which suggests a serious lead-in-water problem, according to our experience and criteria."

Virginia Tech was initially contacted by a Flint resident who had concerns about lead in **Flint water**. It has been working with citizen groups in Flint such as Water You Fighting For.

Twenty percent of the first samples also exceeded the U.S. Environmental Protection Agency lead action limit of 15 ppb, the report said.

The EPA requires water systems like Flint's to collect tap samples from sites that are more likely to have plumbing materials containing lead.

If more than 10 percent of samples exceed 15 ppb, then water systems are required to take action, including steps to optimize corrosion control treatment.

Lead is a toxic metal that was used for many years in products found in and around homes, according to EPA.

"Even at low levels, lead may cause a range of health effects, including behavioral problems and learning disabilities," EPA's website says. "Children 6 years old and under are most at risk because this is when the

brain is developing."

The Virginia Tech report on Flint River water comes two days after representatives of three organizations delivered more than 26,000 online **petition signatures to Mayor Dayne Walling**, demanding the city end its use of the Flint River and **reconnect the city to the Detroit water system**.

The petition language says high lead levels are one reason the city should no longer use the river as a drinking water source.

Walling and Department of Public Works Director Howard Croft issued statements in response to questions about lead in Flint water Wednesday after Croft declined to discuss the issue in a news conference Tuesday.

Flint spokesman Jason Lorenz said the two would not comment further Wednesday.

"The city of Flint is currently in compliance with the safety mandates of the Michigan Department of Environmental Quality and continues to work with them to stay in compliance with all safety and quality standards," Croft's statement said. "We have also been in constant contact with Virginia Tech, sharing information as it becomes available."

Walling, who has supported Flint's continued use of the Flint River as a drinking water source, said, "Lead can be a concern in communities with older public and private infrastructure.

"The city of Flint has offered free and independent testing to residents since spring, and I encourage people to use this service if they have questions," Walling's statement said.

Edwards, a professor of civil and environmental engineering, said the elevated lead levels he has seen in Flint tap water are tied to a corrosive water source that contains about eight times more chloride than Detroit water does.

"Chloride is generally considered to be very corrosive to iron. For instance, chloride present in road salts applied in the winter causes iron in cars and bridges to rust," the Virginia Tech team's website says.

"This could be a huge public health problem. ... The Flint water just ate the pipe up," Edwards said of the testing he has overseen so far.

In the testing, researchers took copper pipe pieces joined with lead solder inside them, according to the report, which says lead solder is probably present in plumbing systems of many Flint homes built before 1986.

Lead solder-copper pipe test pieces were placed in containers filled with water from Detroit and Flint in the experiment, according to the report.

"If it were me, I would not be using (Flint River water) for cooking or drinking unless I had it tested for lead," said Edwards, who previously mounted a six-year campaign that succeeded in forcing the U.S. Centers for Disease Control and Prevention to admit it had misled the public about the risk of lead in the Washington, D.C., area's drinking water, according to The Washington Post.

"Bottled or filtered water (is what I would use for) children under 6 years old or if I was pregnant," he said.

Brad Wurfel, communications director for the state Department of Environmental Quality, said the preliminary water testing results from Virginia Tech don't jibe with two separate rounds of testing during the past year by the city.

That testing indicated "Flint drinking water meets state and federal safe drinking water standards," Wurfel said.

Wurfel said lead levels detected in testing are not the result of water containing lead when it leaves Flint's treatment plant. But he said the state "has requested Flint optimize its water treatment to further limit exposure to lead from plumbing in homes."

The concerns about lead are the latest challenge for the Flint water system since the city started using the Flint River to replace Lake Huron water sold by the city of Detroit in April 2014.

Since the switch, the city has been plagued by issues such as water main breaks and boil water advisories because of bacteria and has been in violation of the Safe Drinking Water Act because of high levels of total trihalomethanes (TTHM), a byproduct of chlorinating river water.

The Rev. Allen Overton, who hand-delivered petitions to Walling on Monday, asking that city officials reconnect the Flint water system to Detroit, said Wednesday that the Virginia Tech experiment is more evidence Flint is not using the best quality of water available.

"We have a major health issue here, (and) they are not being honest with the citizens of Flint," Overton said.

City Council President Josh Freeman said the city has been willing to provide customers with free water testing and has taken action — such as installing a new $1.6 million filtration system — to address problems such as TTHM.

Councilman Eric Mays said, as more water testing is done, it becomes clearer that Flint should be negotiating with Detroit for a new, short-term water contract as work continues on the Karegnondi Water Authority pipeline.

The pipeline, a partnership between the city and Genesee County, is expected to bring untreated Lake Huron

water to Flint at some point in 2016.

"They are trying to make the water safe by trial and error," said Mays, who called Flint's water situation "a disgrace."

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Home (http://flintwaterstudy.org/) Test Update: Flint River water 19X more corrosive than Detroit water for Lead Solder; Now What?

Test Update: Flint River water 19X more corrosive than Detroit water for Lead Solder; Now What?

September 11, 2015 (http://flintwaterstudy.org/2015/09/test-update-flint-river-water-19x-more-corrosive-than-detroit-water-for-lead-solder-now-what/) Siddhartha Roy (http://flintwaterstudy.org/author/flintwaterstudy/) Articles (http://flintwaterstudy.org/category/articles/), Research Updates (http://flintwaterstudy.org/category/research-updates/)

We are now three weeks into our laboratory experiment w.r.t. testing the relative corrosivity of Flint River water versus Detroit water (http://flintwaterstudy.org/2015/09/flint-rivers-water-is-very-corrosive-to-lead-and-causing-lead-contamination-in-homes/). As the test continues, it becomes a more accurate measure of the relative corrosivity of the two waters. We previously noted, that it would be expected that Flint River water would be much more corrosive than Detroit water, due to its higher chloride content.

Experiment: When we visited Flint, we took pieces of copper pipe joined with lead solder (old solder is 50% lead by weight (http://www.copper.org/environment/water/e_p_lead.html)) inside them. Lead solder is probably present in the plumbing of many Detroit/Flint homes built before 1986 when it was banned from use in drinking water systems (http://www.copper.org/environment/water/e_p_lead.html). We put the lead solder-copper pipe test pieces in 250 mL containers, and filled them with the following three waters:

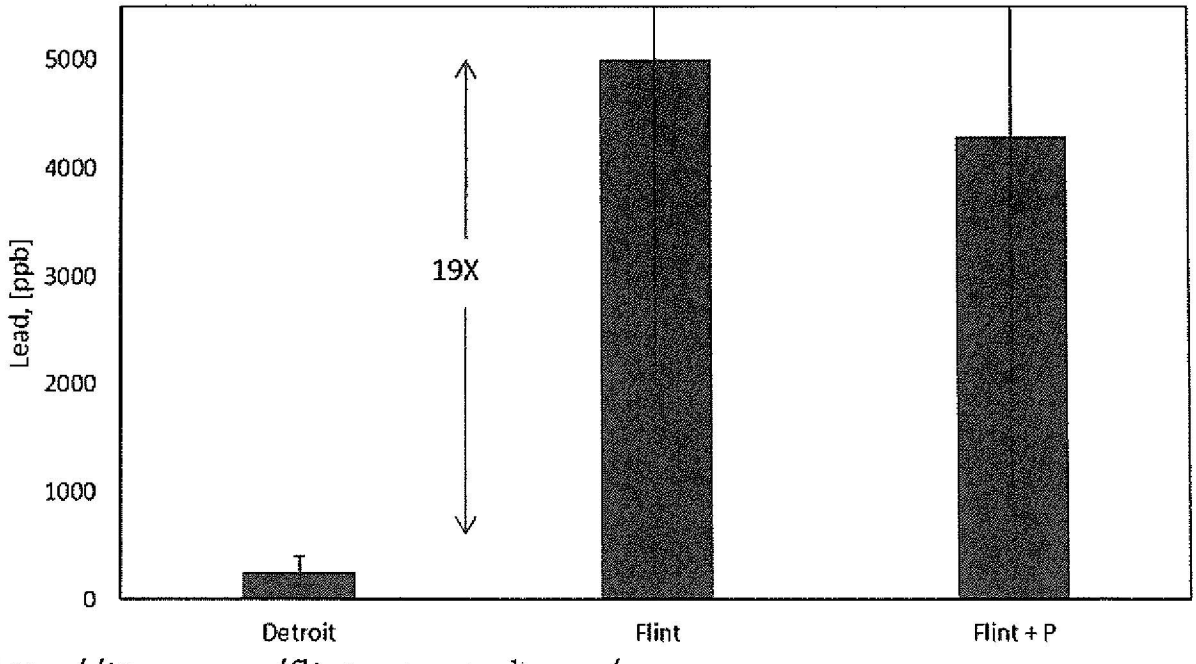
Test 1) Detroit water

Test 2) Current Flint River water

Test 3) Current Flint River water with orthophosphate (a typical corrosion inhibitor (http://www.lenntech.com/products/chemicals/water-treatment-chemicals.htm#Corrosion%20inhibitors))

Test 3 was conducted, to see if ***adding orthophosphate to Flint River water would stop lead corrosion.*** About 50% of water companies in the U.S. add orthophosphate to their water to control lead corrosion, but it is not currently added to Flint River water.

Results and Observations:



(http://i2.wp.com/flintwaterstudy.org/wp-content/uploads/2015/09/update.png)

Figure 1 – Data from Week 3 comparing lead corrosion in Detroit water (left), current Flint water (middle), and Flint water with orthophosphate (right)

From the data shown above in Figure 1, it is clear that Detroit water is much less corrosive to lead solder than the Flint River water. **On average, Detroit water is 19 times (or 19X) less corrosive than the Flint River water currently in use.** That is, the current Flint River water leaches 19X more lead to the water than Detroit water. This explains why the lead in Flint's water in our survey, is so high, (http://flintwaterstudy.org/information-for-flint-residents/results-for-citizen-testing-for-lead-300-kits/)even when it was low before when Detroit water was being used.

We can actually still see the high lead in the Flint River water test by eye (i.e. as white particles suspended in the water (http://flintwaterstudy.org/2015/09/flint-rivers-water-is-very-corrosive-to-lead-and-causing-lead-contamination-in-homes/)). Lead levels in our test with Flint River water, were slightly above hazardous waste levels (5000 ppb), which is still lower than the worst levels of lead we detected in the

home of Flint resident Lee-Anne Walters (http://flintwaterstudy.org/2015/08/hazardous-waste-levels-of-lead-found-in-a-flint-households-water/).

Orthophosphate still does not seem to help stop lead leaching in Flint River water, which is also consistent with expectations based on experiments in high chloride water (http://www.sciencedirect.com/science/article/pii/S0010938X11000382). There is a slight improvement, but even with phosphate, Flint River water has 16 times more lead compared to the same condition using Detroit water. We will continue to run these tests, but at present it does not seem like orthophosphate will provide a quick answer to the very high lead levels in Flint water.

Conclusion: On a scientific basis, Flint River water leaches more lead from plumbing than does Detroit water as predicted before (http://flintwaterstudy.org/2015/08/why-is-it-possible-that-flint-river-water-cannot-be-treated-to-meet-federal-standards/). **This is creating a public health threat in some Flint homes that have lead pipe or lead solder. Unfortunately, adding orthophosphate corrosion inhibitor to the Flint River water, does not solve the lead problem.**

PRACTICAL IMPLICATIONS

We believe, that in the weeks and months ahead, MDEQ and Flint will be forced to admit they failed to protect public health as required under the Federal Lead and Copper Rule. The question that will then be asked is "What can be done to protect residents?"

Step 1: Issue Scientifically Sound Advice.

The first step is to admit that **the water in Flint is not safe for cooking or drinking** (http://flintwaterstudy.org/information-for-flint-residents/results-for-citizen-testing-for-lead-300-kits/)— a fact that MDEQ still denies. According to MDEQ statements provided to reporter Ronald Fonger this week, which were presented to us for comment, MDEQ's Brad Wurfel asserts that:

> ***"the issue here isn't Flint's water source or water plants. It's the high number of older homes with lead pipes and lead service connections....Folks who have concerns should get a water specialist to take a look at their home and see what they need to do to achieve peace of mind, because lead and copper are home plumbing problems that no water source can eliminate entirely."***

We note that this is the exact same position that MDEQ and the city took months ago, after Lee-Anne Walters' child was lead poisoned from exposure to high lead in Flint water (http://www.abc12.com/home/headlines/Flint-mother-said-the-water-gave-her-son-Lead-poisoning-324496551.html). After MDEQ and the City blamed Ms. Walters home plumbing for the problem, an EPA water specialist did come to her home and inspected her plumbing. His finding: There were no lead plumbing sources in her home (http://www.aclumich.org/sites/default/files/file/EPAWaterReport062415.pdf). How does that finding, provide Ms. Walters and other Flint residents, with "peace of mind?"

Likewise, during our sampling events in Flint homes (http://flintwaterstudy.org/information-for-flint-residents/results-for-citizen-testing-for-lead-300-kits/), we are finding very high lead in other homes with modern lead free plumbing, which again points to city owned lead pipes and corrosive water as the problem.

> On the basis of these facts, we consider MDEQ's position to be both unscientific and irresponsible, and we stand by our recommendations to Flint consumers, that they immediately reduce their exposure to high lead in Flint's water by implementing protective measures when using tap water for drinking or cooking.

Step 2. Implement Corrosion Control.

The second step will ultimately require some sort of corrosion control treatment to reduce lead in Flint water. Three options are possible as detailed below:

1. **Switch back to the non-corrosive Detroit water.** It is our opinion, based on years of experience, that Flint's lead levels would drop markedly in about one month.
2. **Add orthophosphate to Flint River water.** As indicated in this work, orthophosphate will not reduce lead leaching from all lead plumbing sources. On the basis of our extensive experience, we would only expect modest improvements to water lead levels if orthophosphate was added.
3. **Wait for KWA pipeline.** If orthophosphate was added to water from the KWA pipeline, it would be about the same corrosivity as Detroit water (Option A). In that case, Flint residents will have to live with the very high lead in their water, until at least one month after the pipeline is connected.

Politicians and residents will ultimately have to look at which of the above options is best for Flint, after weighing feasibility and costs.

Experiments and analysis: Christina Devine

Primary Author: Dr. Marc Edwards

Acknowledgements: Siddhartha Roy

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Our VT Research Team wins $50,000 grant from the National Science Foundation to study Flint water (http://flintwaterstudy.org/2015/09/our-virginia-tech-research-team-wins-a-50000-grant-from-the-national-science-foundation-to-study-flint-water/)

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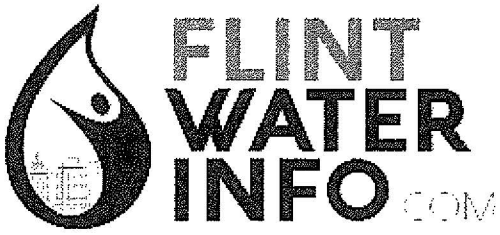

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Lead levels in Flint water spiked after switch to river, state records show

Ron Fonger | rfonger1@mlive.com By **Ron Fonger | rfonger1@mlive.com**
on September 19, 2015 at 5:50 AM, updated September 19, 2015 at 7:59 AM

Flint Journal file photo

FLINT, MI -- City officials insist their own testing shows Flint water is **safe** and within federal guidelines for lead.

But those same tests also show lead levels have been rising since the city began using the Flint River for water 16 months ago.

The results of Flint's testing for lead since 1992, released by the state Department of Environmental Quality to The Flint Journal-MLive, show 10 percent of homes sampled in the city's most recent testing contained 11 parts per billion or more of lead, with six of 69 samples exceeding the federal lead limit of 15 ppb.

Those are the highest lead levels measured in Flint by the city in more than 20 years, the state data shows.

In contrast, the city's tests of Lake Huron water from Detroit for one 10-year period -- from June 2001 until September 2011 -- resulted in just one of 155 samples registering higher than 15 ppb of lead.

Flint began treating river water in April 2014 after Detroit terminated an expired contract for selling water to the city. The cutoff came after Flint joined Genesee County to form the Karegnondi Water Authority, which is building a new pipeline to Lake Huron, a project that's expected to be completed sometime next year.

City and state officials have pointed to their own testing as evidence that Flint water is safe and under the 15 ppb limit, but have said little about the lead level drifting up.

Marc Edwards, who is supervising separate water **testing in Flint by Virginia Tech University**, said there's no mistaking the pattern.

"The Flint River -- based on the chemistry -- has an obvious propensity for lead to be released to water," Edwards said. "There should have been red lights flashing (when the city began using the river in April 2014) -- knowing that if you put that water into Flint's system without corrosion control, you're going to see a massive lead release."

That release is what Edwards' testing has shown as 10 percent of homes sampled by students and faculty from Virginia Tech have had lead levels of at least 25 ppb.

Since the testing started, Mayor Dayne Walling announced Flint would speed up development of a plan for reducing corrosiveness of city water and called for $10 million in state funds to begin replacing lead and lead solder in water service lines and plumbing.

Flint Department of Public Works Director Howard Croft would not attribute higher lead levels to the river alone, but said the source of the water is one variable as is the amount of time water is stagnant in pipes.

"Lead is in there. It's always been there," Croft said. "We would like there to be no lead, (but) I'm happy how aggressively we are responding" to what the city has.

Steve Busch, Lansing and Jackson district supervisor in the DEQ's office of drinking water and municipal assistance, said lead testing results vary in many areas and a shift doesn't necessarily show Flint River water is more susceptible to higher lead levels than lake water.

"We see numbers fluctuate with the same treatment and the same water," Busch said. "We have levels go up and down from monitoring round to monitoring round."

Lead is a toxic metal that was used for many year in products found in and around homes, according to the U.S. Environmental Protection Agency. Even at low levels, lead may cause health effects such as behavioral problems and learning disabilities.

Current regulations for lead in water began in 1992 and require a limited amount of testing to measure the degree to which lead leaches into tap water after flowing through lead service lines and lead solder in home plumbing.

If more than 10 percent of tap water samples from water systems exceed 15 ppb, the water system can be required to take steps like making water less corrosive or replacing lead service lines.

Since the EPA announced its lead and copper rule in 1991, Flint has collected 33 samples every six to 36 months but the number of tests increased after the city changed its water source to the river,

according to state data.

State records show 100 samples were collected from Flint in the last six months of 2014, showing two sites with readings of more than 15 ppb of lead and 10 percent of homes registering at 6 ppb or more.

From January until June this year, the city collected just 69 samples, a reduction that was allowed because Flint's population had dropped below 100,000, Busch said.

The last time testing by the city showed a higher percentage of water samples above 11 parts per billion was 1992, immediately after new lead and copper rules went into effect.

In that case, the city of Detroit took five years to develop a plan to better control corrosion and lead levels and brought lead levels down from a high of 15 ppb in 10 percent of samples taken in Flint.

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Flint pediatricians raise alarm about lead levels in city water

By SARAH HULETT (/PEOPLE/SARAH-HULETT) • SEP 24, 2015

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Water samples from Flint, on the left, and Detroit.

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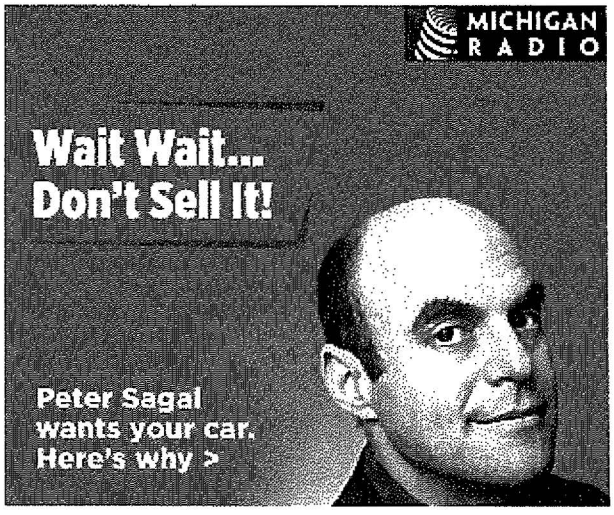

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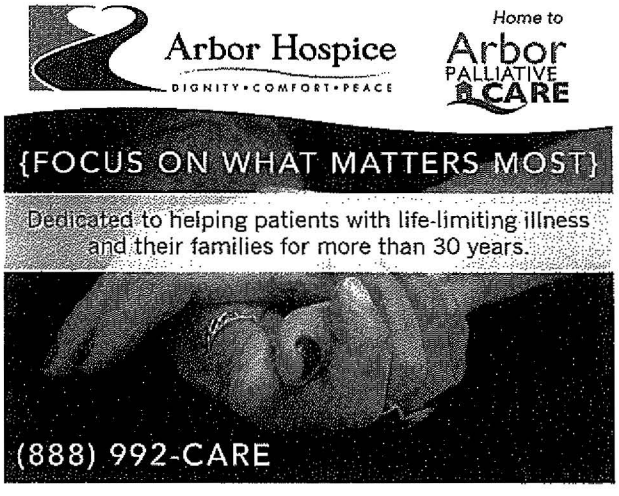

The water in Flint is likely poisoning kids.

That's what pediatricians in the city say, after looking at lead levels in young children before and after the city switched the source of its drinking water from the Detroit water system to the Flint River.

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There's a long list of complaints about Flint's water. But physicians are really concerned about this one.

"My research shows that lead levels have gone up. I cannot say it's from the water, but that's the thing that has happened," said Dr. Mona Hanna-Attisha, a pediatrician with Hurley Children's Hospital.

Hanna-Attisha says she decided to look into blood-lead levels after researchers from Virginia Tech found elevated lead levels in tap water due to the corrosive nature of the river water.

She analyzed blood test results of 1,746 children age five and younger from Flint, and 1,670 non-Flint children. Before the switch, 2.1% of Flint children had elevated blood lead levels. After the switch, that rate jumped to 4%. By comparison, the rate for non-Flint children went from .6% to 1%, which Hanna-Attisha says is statistically insignificant.

She calls the city's response to water quality problems "inadequate," and says precautions need to be taken immediately.

"Because the impact of not doing anything will haunt us for years to come," says Hanna-Attisha, citing interventions like special education, lost productivity, and incarceration costs associated with high lead levels. "The cost will be astronomical in decades to come. So we cannot wait until this year or next year. We have to think five years from now, ten years from now."

Hanna-Attisha and other physicians are urging the city to issue an advisory about how to minimize exposure to lead in the water. The county health department says it's drafting that advisory now.

The news about the elevated lead levels did not surprise Lee Anne Walters. She found out her son had alarmingly high lead levels in April of this year.

"I kept talking to the doctors, trying to figure out why he wasn't growing," says Walters. "He was 27 pounds at four years old. His hair was thinning, breaking out in rashes."

Walters says her son would get a rash when he took baths. There would be a line on his body that corresponded with where the bath water ended. Above it, his skin was fine. Below it, where his skin was underwater, he'd get a rash.

"The doctors in the city gave me a hard time testing my kids," says Walters. "I took them out the city to a dermatologist down in Brighton, who ran the test and called me personally to tell me that he did have lead poisoning and anemia from the lead poisoning, and he's having speech problems."

It turns out the rash was probably from a chlorine byproduct the city had to dump into the river water to kill the E. coli that had made people sick the summer before.

People knew that chemical – it's called TTHM – was a problem. But lead wasn't on many people's radar until a guy named Marc Edwards came to town.

"I want them to take responsibility. I want them to quit poisoning their citizens."

Edwards is a researcher from Virginia Tech. His tests of Flint tap water found lead levels in some homes that were higher than federal regulators allow – and a lot higher than the city found in the tests it conducted. He says the river water is so corrosive it's eating the lead from old pipes and solder.

"That's why we are actually asking for funding to help with infrastructure," said Flint City Administrator Natasha Henderson. "It's not a secret that the city is very financially distressed."

Henderson and other city officials say they're working with state and federal regulators to get a handle on the problem.

But they're quick to point out that the city's own tests show it's in compliance with the Safe Drinking Water Act.

But activists say they don't trust how the city arrived at that conclusion, and point to the Virginia Tech results as evidence that the city has been conducting flawed testing.

"I want them to take responsibility," says Lee Anne Walters, the mother whose son has experienced health problems since the switch. "I want them to quit poisoning their citizens."

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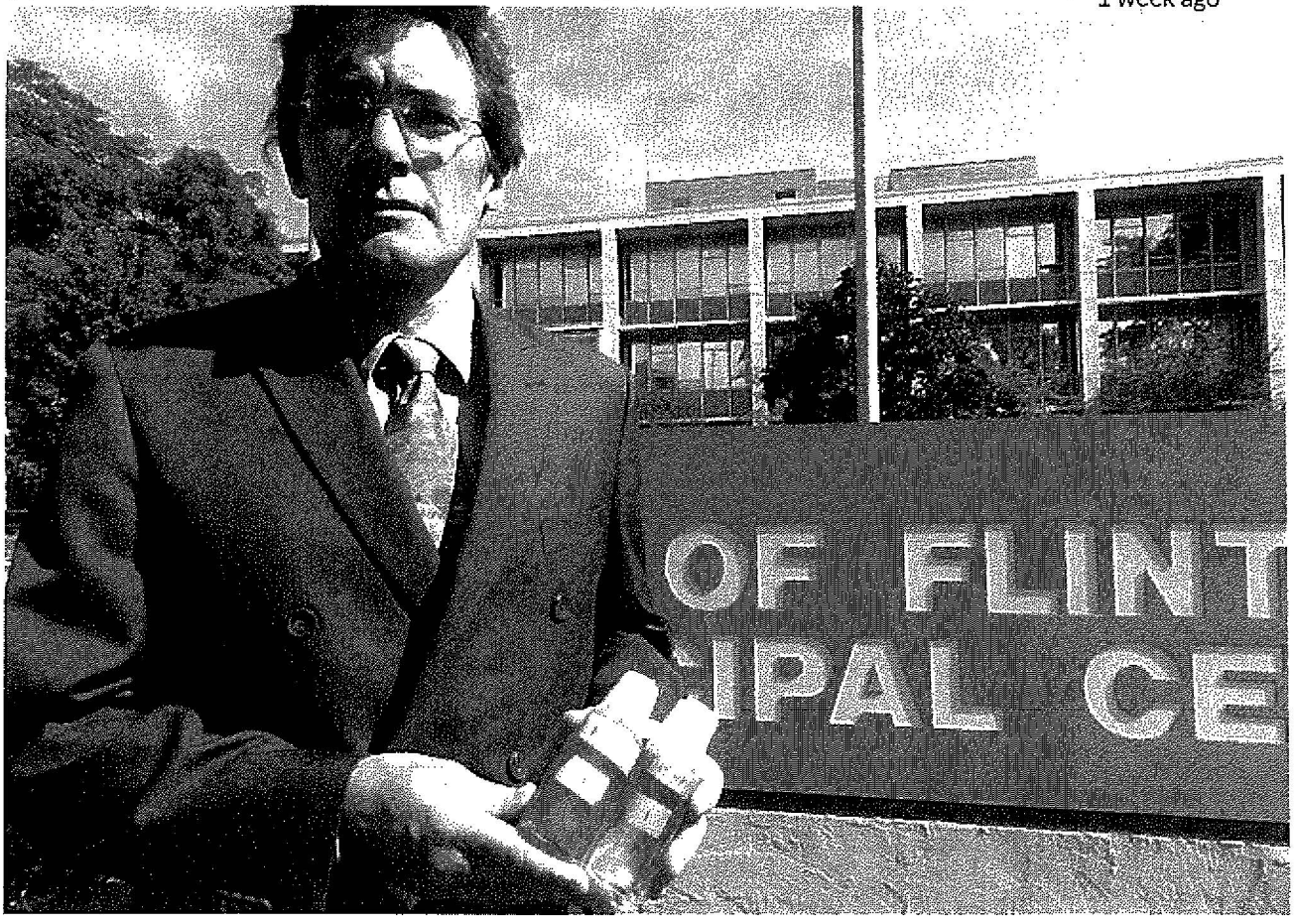

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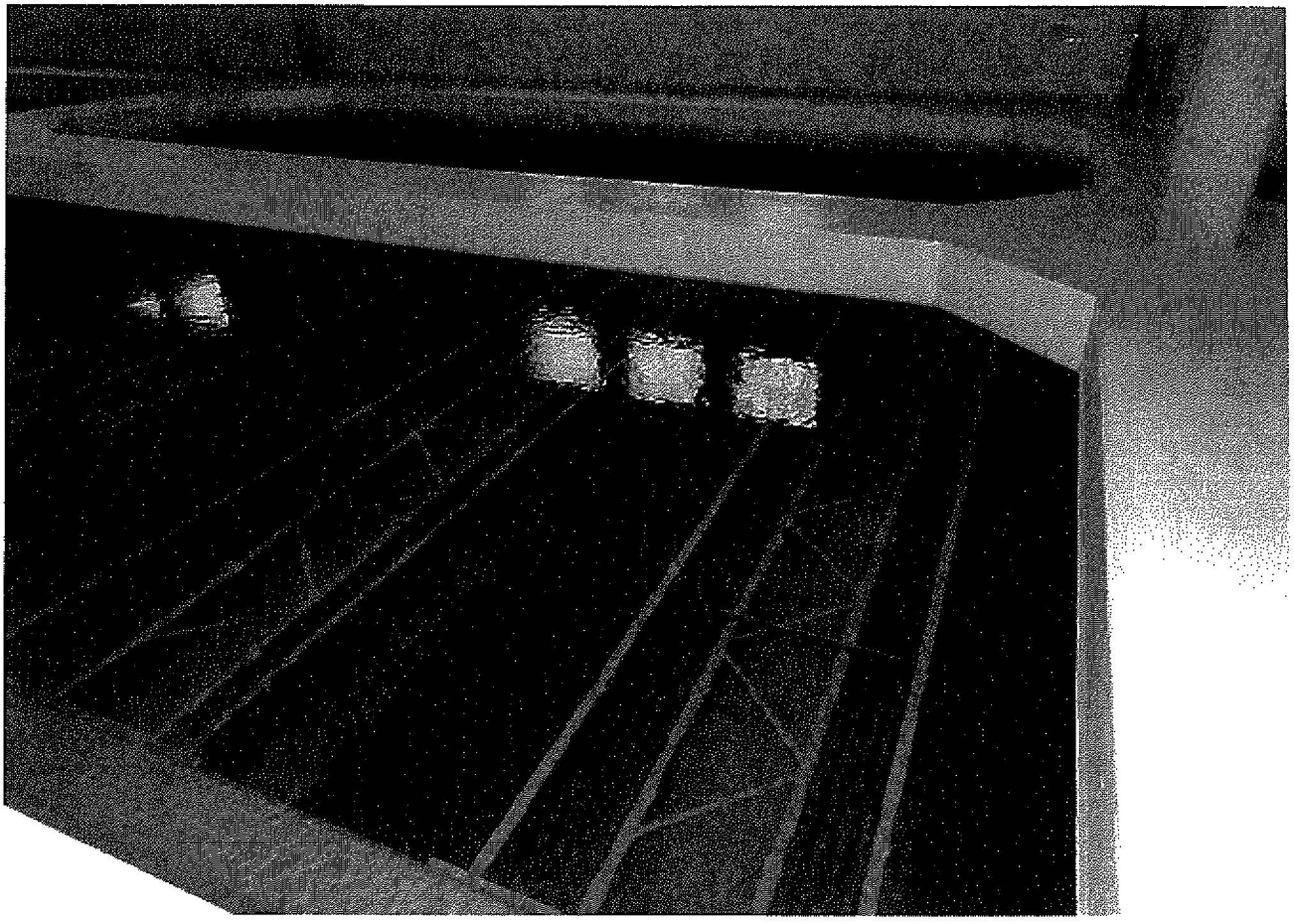

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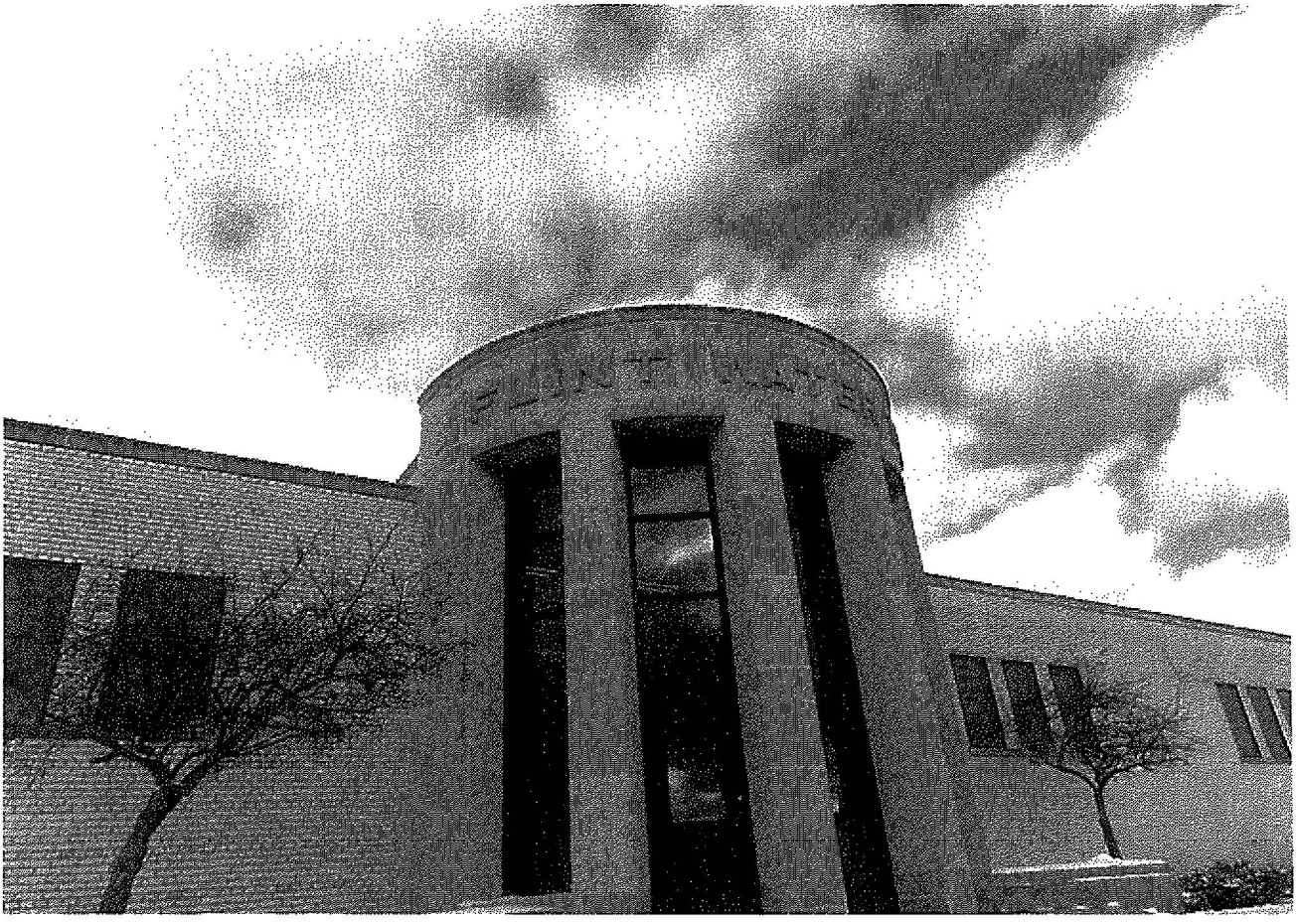

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michigan man · [illegible]

Let's be clear...this situation is at least partly a result of massive cuts in state revenue sharing, which led the city to take dramatic steps to cut its costs...and now people are paying the price. But hey, we cut taxes at the state level (and our per cap income is still in the bottom 15 in the nation).

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Allison MacArthur-Ruesink · [illegible]

This has nothing to do with Cost Cuts. The MDEQ is rife with corruption. perhaps the "employee" who had oversight of this facility was also hired and promoted based upon a family connection with a member of the Water Division's "Hot Tub Club" instead of experience and education!? I complained about the problems as far back as the early 2000's, even to Governor Grandholm's husband via Reading for Leading. Nothing was corrected !! Employees who speak out are harassed mercilessly and even worse as in my case. When I did not voluntarily retire after being asked 3x by MDEQ's Jon E. Russell, he conspired and fabricated a case to get rid of me!! I took a polygraph from Forensic Polygraph Services (Mr. Neil Myers) to prove I was telling the truth

but Michigan's corrupt Attorney General Bill Schuette and his equally corrupt Assistant AG Joseph Yung-Kung Ho (P-77390) have denied me any measure of Justice!! It is not a coincidence that the Judge involved with my case Thomas Wilson Jackson County Michigan used to work for the AG's Office. Everything was filed in a timely manner!! The MDEQ have even refused my receiving copies of my OWN PERSONNEL FILE! This is Michigan's way of saying "Thanks for 30 years of Service" They pulled this BS 65 days before my 55th birthday so they could deny my collecting my Retirement Benefits before age 60. Does someone have to die before the Bureaucracy cleans its own house?! Read "Well of Lies" about how inept and unqualified public servants who are unqualified or just plain corrupt, can injure innocent people!!

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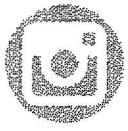
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Doctor: Lead seen in more Flint kids since water switch

By Robin Erb, Detroit Free Press 6:44 p.m. EDT September 25, 2015

Number of Flint children with lead poisoning jumps after Flint water switch, says researcher.

(Photo: Ryan Garza, Detroit Free Press)

Flint's ongoing water woes are now associated with an immediate and irreversible danger — possible lead poisoning of some of the city's children, according to a review of blood test results by a Hurley Children's Hospital pediatrician.

"I was hoping not to find anything, but what we found ... is concerning," said Dr. Mona Hanna-Attisha who also leads the pediatric residency program at Michigan State University's College of Human Medicine.

"This is not something you mess around with," she said. "Our population already has so many issues from poverty, from unemployment, from violence."

State officials say their own review of blood test results have not shown the same increase that Hanna-Attisha found. Moreover, water tests have similarly shown lead within federally accepted levels, they say.

Hanna-Attisha examined results from blood samples of Genesee County children taken both before and after the city ended its water contract with the Detroit Water and Sewerage Department (http://www.dwsd.org/)and began pulling water from the Flint River.

The number of Flint children with elevated blood-lead levels — 5 micrograms per deciliter or more — jumped from 2.1% in the 20 months prior to Sept. 15, 2013, to 4.0% between Jan. 1 and Sept. 15 this year. In certain ZIP Codes, the change was even more troubling, she said — jumping from 2.5% of the children tested to 6.3%.

Blood is often drawn by pediatricians as part of routine lead-level testing, especially among children who are on Medicaid. That gave Hanna-Attisha 1,746 test results from Flint children to compare against 1,640 results from elsewhere in Genesee County. Children in Genesee County outside of Flint showed no significant increase in blood-lead levels.

Health officials have said no lead levels are safe (http://www.cdc.gov/nceh/lead/). Lead can lead to serious developmental problems, reducing a child's IQ and causing serious behavioral and emotional problems. Though levels can fall in individuals over time, the damage is permanent.

If Hanna-Attisha's analysis is correct, this upward trend in Flint interrupts years of progress in reducing dangerous blood-lead levels.

State data show that the percentage of children with elevated blood lead levels have been falling for years. In fact in 2013, 3.6% of Flint children younger than 6 had elevated blood-lead levels, compared with the state-wide rate of 3.9%.

Though Hanna-Attisha's review didn't try to determine cause, "we can't think of another reason" for the trend other than the change in Flint's water source.

The review is sure to ratchet up tension in Flint.

In 2014, city officials ended the city's contract (/story/news/local/michigan/2015/01/22/water-woes-latest-hit-flint/22193291/) with the Detroit Water and Sewerage Department (http://www.dwsd.org/), saying that water costs were too high. They opted instead to pull from the Karegnondi Water Authority, which is building a system to supply Genesee County with water pulled from Lake Huron. In the long run, this will mean lower water costs, officials have said.

But until the new system comes online in 2016, Flint is temporarily pulling water from the Flint River. Since it made the switch, residents have complained that the water smells, is discolored and makes them sick.

Soon after the switch, tests indicated the presence of coliform bacteria, which can suggest the presence of other disease-carrying pathogens. The water was then treated with disinfectants, and city officials maintain the water is safe.

The question is not that whether there is a higher level of lead in water from the Flint River — it's that river water may be more corrosive as it travels through lead pipes on residential properties and in homes, said Brad Wurfel, a spokesman for the Michigan Department of Environmental Quality. About 15,000 of the 40,000 Flint customers have lead pipes connecting to the city system, he said.

But he said testing has shown that lead levels in the Flint water system — both before and after the switch in 2014 — have been under the acceptable limit of 15 parts per billion during every three-year testing cycle since 1992. Additionally, two rounds of supplemented tests since the system switch put

lead levels at 6 parts per billion and then at 11 parts per billion — a change that Wurfel said fits in line with previous fluctuations.

Congressman Dan Kildee, a Flint Democrat, called state and local testing "lackluster."

For one thing, Flint residents collect samples, and there are concerns that there are too few samples and that they represent only some parts of the city. And Wurfel confirmed that about 60 bottles of water samples were turned in by citizens in the last round of testing, even though 200 bottles were sent out.

In the best of circumstances — with enough sampling and previous clean tests of water — citizen sampling might be adequate. But, in Flint — where there's a major change in the system that some residents say have led to health problems, "it seems to be a much higher standard would apply," Kildee said.

In addition to water testing, Wurfel a said state public health officials have reexamined results of blood-lead level testing among Flint children. In short, that data doesn't show the same upward trend that Hanna-Attisha's found, he said.

Wurfel said environmental officials aren't taking the matter lightly, and they realize the water system is in "dire" need of an overhaul. They've requested a meeting with U.S. Environmental Protection Agency authorities to "review protocols" to make sure the state's testing is adequate.

"Lead is serious. Lead builds up. Lead effects children. It's not something we take lightly," he said. "We're confident with what we've done, but we know there are concerns."

Angela Minicuci, a spokeswoman for the Michigan Department of Health and Human Services, any increase in the past year in blood-lead levels among Flint children is attributed to predicable seasonal spikes.

In the year preceding the change in the water system, 95 Flint children younger than 16, or 2.4% of those tested, had elevated blood-lead levels, according to state data. The following year, 123 children, or 3.2%, of those tested had elevated blood-lead levels.

There is "cause for concern in Flint," but it cannot be attributed to the water, she said.

Contact Robin Erb: rerb@freepress.com (mailto:rerb@freepress.com) or 313-222-2708. Follow her on Twitter @Freephealth. (https://twitter.com/FreepHealth)

Free Press staff writer Kristi Tanner contributed to this report.

Lead's toll (https://www.nlm.nih.gov/medlineplus/ency/article/002473.htm) on children:

Lead can affect many parts of the body, and is most harmful when there is repeated exposure, even to small amounts. Even low levels of lead exposure can harm a child's mental development, and the problems worsen as blood-lead levels get higher.
The younger the child, the more harmful the exposure; unborn children are the most vulnerable, according to the National Institutes of Health.

Among possible complications:

- Behavior or attention problems
- Failure at school
- Hearing problems
- Kidney damage
- Reduced IQ
- Slowed body growth

Very high levels of lead may cause vomiting, a staggering walk, muscle weakness, seizures, or coma.

For more information, visit www.cdc.gov. Search "lead poisoning."

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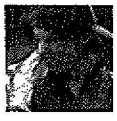

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Oct. 1, 2015, 9:40 a.m.

Statesman Tribune

High amount of lead found amid Flint children while switching waters

SEPTEMBER 27, 2015 BY DAVID BRYAN IN HEALTH 0 COMMENT

t's exhausting to know the resounding yawn that appears to have emanated .from the governor's workplace, following information that an growing share of Flint children have been lead poisoned after a change within the metropolis's water provide.

A spokeswoman for the Michigan Division of Well being and Human Providers despatched a Free Press knowledge analyst a chart she claimed would refute a report issued by a Hurley Medical Heart researcher, who discovered that because the metropolis began pumping water from the Flint River final April, the share of Flint youngsters with elevated blood-lead ranges has greater than doubled in some ZIP codes.

In reality, the state's information helps the Hurley researcher's declare — the variety of children with lead poisoning had been falling in Flint and throughout the state, till the water change. Now it is rising.

A spokeswoman for Gov. Rick Snyder wrote in an e-mail that the Hurley knowledge had been "spliced and diced," a suggestion that it's one thing apart from correct — though the state's personal knowledge bolsters the Hurley report.

And officers throughout the administration have hastened to insist that Flint's water is protected and to recommend that though printed reviews say Michigan Division of Environmental High quality information present elevated lead ranges in Flint's water, there's no motive to suspect that has prompted extra Flint children to undergo from lead poisoning. And thus far, none of it has it spurred them to motion.

However here is the scenario: There's extra lead in Flint's water than there was. And extra Flint youngsters have lead of their blood, one thing that results in severe, irreversible behavioral and developmental issues.

The way it occurred

The Metropolis of Flint determined in 2013 to affix the brand new Karegnondi Water Authority, together with Genesee, Sanilac and Lapeer counties. That system will not be full till 2016. Within the interim, the town — below former emergency supervisor Darnell Earley — opted to pump its water from the Flint River, as a substitute of constant to buy it from the Detroit Water and Sewerage Division — partly, state officers say, as a result of DWSD deliberate to lift its charges for a brief-time period contract. Town thought-about mixing Lake Huron and Flint River water, however finally selected to tug water from the Flint River alone. Genesee County, in distinction, will proceed to buy its water from DWSD whereas the brand new system is below building.

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Researchers say that Flint River water, extra corrosive than the Lake Huron water pumped by the Detroit Water and Sewerage Division, is leaching lead from the town's ageing infrastructure into the water provide.

The town, and its residents, need assistance. Within the close to time period, residents — particularly residents with formulation-fed infants, whose diets are composed virtually fully of water — residing in poverty want help to buy bottled water or filtration programs. And town wants to think about its lengthy-time period choices, particularly, whether or not to reconnect to DWSD till the Karegnondi system is full.

That would not be a easy course of. Former Flint EM Darnell Earley, now EM for Detroit Public Colleges, wrote in an e-mailed assertion that he was not concerned within the determination to make use of river water, though it occurred throughout his tenure. He was additionally EM when a 9-mile part of pipe was bought to Genesee County, a call he wrote was within the works earlier than his appointment, which means the town cannot reconnect to the Detroit system with out the cooperation of Genesee County.

Neither is the upper value of shopping for water from DWSD — about $1.5 million a month — within the metropolis's price range, Flint Mayor Dayne Walling mentioned. The town, which emerged from state oversight this yr, would want the approval of its transitional advisory board to extend its water price range.

Flint, by the way in which, is broke.

U.S. Rep. Dan Kildee and state Senate Majority Chief Jim Ananich, each Flint Democrats, have pledged to deliver monetary and sensible help to the district.

For now, Walling mentioned, Flint's water therapy plant will start so as to add anticorrosive brokers to the Flint River water, which can take weeks to affect the water provide.

If I lived in Flint, I might be mad. If I had been a Flint mum or dad, with a little one who'd spent the final 12 months and a half ingesting lead-contaminated water, I might be in despair.

We're speaking a few public well being disaster — one that would have been prevented.

Whose fault is it?

Throughout their tenures, emergency managers are the last word authority within the cities they serve.

And so the accountability for Flint's water lies, finally, with Snyder, and the emergency managers he appointed — and it's Snyder who should come to Flint's rescue. Walling says Flint's residents want funds for instant aid, however that the town wants grants to begin to improve its growing older, lead-ridden water infrastructure.

Snyder hasn't hesitated to nominate or retain emergency managers in struggling cities throughout the state, a stance the Free Press Editorial Board has largely supported, with one caveat: Emergency managers need to make issues higher.

That's the premise on which the emergency supervisor legislation is based. Cities are the creation of the state. The state has a accountability to look after the well being and welfare of its residents, and typically, cities face challenges not fixable on the native degree. In these instances, the state should step in.

That is actually the case in Flint, which has suffered from the identical lack of inhabitants — and tax base — as Detroit, however with fewer property with which to leverage a passable consequence.

In these circumstances, the Free Press editorial board has argued, the state has a accountability to behave, to revive some fiscal stability, and thus service supply and high quality of life for residents.

That is the catch.

It would be straightforward to stability any metropolis's finances: Lay off all of the cops, promote all of the ambulances, liquidate town parks. However that would not make life higher for residents. That is the steadiness emergency managers should be conscious of — value financial savings versus high quality of life. Spending cuts versus service supply. A metropolis's backside line cannot be revenue-pushed.

That is the evident weak spot within the emergency supervisor legislation, and it on full show in Flint.

Snyder spokeswoman Sara Wurfel stated the state signed off on the swap on the behest of Walling and the Flint Metropolis Council, and solely "with severe reservations."

That is not precisely how Walling remembers it.

"I didn't assist it come what may," he mentioned. "It wasn't my resolution. I had lots of issues about it that I raised internally, however the funds was in place ... I had loads of considerations about it, however when it was determined that was the choice ... I didn't protest."

When the Flint Metropolis Council voted this 12 months to reconnect to the Detroit water system, then-emergency supervisor Jerry Ambrose known as its resolution "incomprehensible": "Water from Detroit isn't any safer than water from Flint," Ambrose stated, as reported within the Flint Journal.

It is fairly clear that is not true. It isn't clear what anybody from the State of Michigan is ready to do about it.

Sixteen months in the past, Earley and Walling celebrated the town's departure from DWSD, elevating glasses of Flint River water, ready to toss them again, with a toast that strikes a hole word at present: Here is to Flint.

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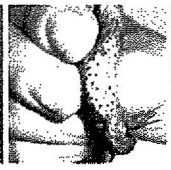
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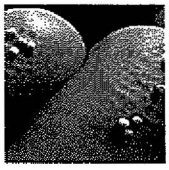
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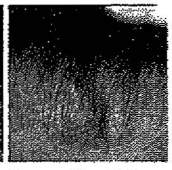
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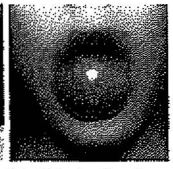
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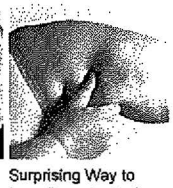
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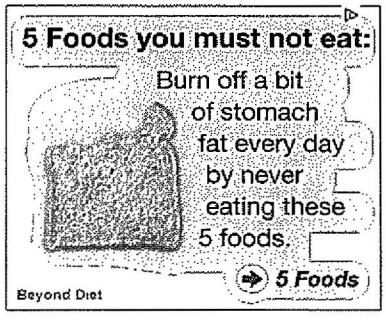

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EXHIBIT N

FOIA Coordinator City of Flint Department of Law
1101 S. Saginaw Street, 3rd Floor
Flint, MI 48502
Fax: (810) 232-2114
Email: ajones@cityofflint.com

Dear FOIA coordinator,

This letter is a request for records under the Freedom of Information Act, MCL 15.231 et seq.

The records I am requesting are:

1. All documents the City of Flint, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
2. All documents the City of Flint, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and/or the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
3. All documents the City of Flint has in its possession, including correspondence, related to any communications between the City of Flint of Treasury, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

I am enclosing a check in the amount of $20 as a good faith deposit to cover a portion or all of the cost of these items. If the amount exceeds $20, please contact me by phone at 810-223-7034, to discuss the balance and the basis for the amounts charged beyond $20. If the amount is less than $20 please refund the balance to this office.

Sincerely,

Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

Michigan Department of Treasury
Attn. FOIA Coordinator
P.O. Box 30716
Lansing, MI 48909

MIStateTreasurer@michigan.gov

Dear FOIA coordinator,

This letter is a request for records under the Freedom of Information Act, MCL 15.231 et seq.

The records I am requesting are:

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3. All documents the Michigan Department of Treasury has in its possession, including correspondence, related to any communications between the Michigan Department of Treasury, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

I am enclosing a check in the amount of $50 as a good faith deposit to cover a portion or all of the cost of these items. If the amount exceeds $50, please contact me by phone at 810-223-7034, to discuss the balance and the basis for the amounts charged beyond $50. If the amount is less than $50 please refund the balance to this office.

Sincerely,

Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

FOIA Coordinator
Department of Environmental Quality
P.O. Box 30457
Lansing, MI 48909-7957
Phone: 800-662-9278

deqfoia@michigan.gov

Dear FOIA coordinator,

This letter is a request for records under the Freedom of Information Act, MCL 15.231 et seq.

The records I am requesting are:

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Sincerely,

Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

EXHIBIT O

City: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

City of Flint
1101 S. Saginaw Street
Flint, Michigan 48503
Fax: (810) 232-2114

Denial Form

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: **15-0664** Date Received: **Sept 10, 2015** Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method

Date of This Notice: **Sept 14, 2015** Date delivered to junk/spam folder: _____

(Please Print or Type) Date discovered in junk/spam folder: _____

Name **Phil Phelps**		Phone
Firm/Organization		Fax
Street **819 Main Street Unit A**		Email
City **Flushing**	State **MI**	Zip **48433**

Record(s) You Requested: *(see attached copy of original request)*

Your request has been **X Denied** OR ☐ **Granted in part and denied in part.** Please refer to this form for an explanation. If you have any questions regarding this denial, contact Althea Jones at ajones@cityofflint.com, by telephone at (810) 766-7146, or by fax at (810) 232-2114.

Reason for Denial or Partial Denial:

Disclosure of the following information is denied for the following reason(s):

X 2. The records which you have requested **do not exist** under the name given by the requester or by another name reasonably known to this public body or are not retained by this public body in the performance of an official function. This is a certification of their non-existence. **No Records – Requested documents do not exist. Attached please find your check for $20.00.**

The City of Flint FOIA Procedures and Guidelines and Written Public Summary are available at the City's website at:

www.cityofflint.com/legal-2/foia/

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the Mayor or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the city has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. *(See back of this form for additional information on your rights.)*

Signature of FOIA Coordinator: Althea Jones **Date:** 9-14-15

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

Opt-Out:

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.
Sec. 10.
(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

RECEIVED
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CITY ATTORNEY'S OFFICE

FOIA Coordinator City of Flint Department of Law
1101 S. Saginaw Street, 3rd Floor
Flint, MI 48502
Fax: (810) 232-2114
Email: ajones@cityofflint.com

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2. All documents the City of Flint, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and/or the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
3. All documents the City of Flint has in its possession, including correspondence, related to any communications between the City of Flint of Treasury, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

I am enclosing a check in the amount of $20 as a good faith deposit to cover a portion or all of the cost of these items. If the amount exceeds $20, please contact me by phone at 810-223-7034, to discuss the balance and the basis for the amounts charged beyond $20. If the amount is less than $20 please refund the balance to this office.

Sincerely,

Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

Opt-Out:

EXHIBIT P

Keith,
Just got this email while we were on the phone. The DEQ must have talked to Flint and decided that since Flint is not turning over documents that they are not going to either after they they both told me that they had documents to share.

Thanks,
Phil

----- Forwarded Message -----
From: DEQFOIA <DEQFOIA@michigan.gov>
To: "Phillip Phelps (pphelps277@yahoo.com)" <pphelps277@yahoo.com>
Sent: Monday, September 28, 2015 11:59 AM
Subject: Request for Disclosure of Official Files

Mr. Phil Phelps
819 Main Street, Unit A
Flushing, MI 48433

)ear Mr. Phelps:

SUBJECT: Request for Disclosure of Official Files – **Executive Division and Water Resources Division**

This notice is issued in response to your request for information under the Freedom of Information Act, 1976 PA 442, as amended (FOIA), received on September 8, 2015. You have requested the following information: "Any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint, etc." (FOIA 6422-15).

The purpose of the FOIA is to provide the public with access to existing, nonexempt public records of public bodies. Your request to examine or receive a copy of the documents described above is denied.

To the best of this public body's knowledge, information, and belief, the public record does not exist under the name given by the requester, or by another name reasonably known to the public body.

Under section 10 of the FOIA, the DEQ is obligated to inform you of the following:

1) Appeal this decision in writing to the Director of the Department of Environmental Quality, P.O. Box 30473, Lansing, Michigan 48909-7973. The writing must specifically state the word "appeal," and identify the basis for which the disclosure determination should be reversed. The Director of the DEQ, r his/her delegated designee, must respond to the appeal within 10 days of its receipt. Under unusual circumstances, the time for response to the appeal may be extended by 10 business days.

2) Commence a civil action in circuit court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements, and possible damages.

Susan Vorce, FOIA Coordinator
Department of Environmental Quality
800-662-9278
deqfoia@michigan.gov

The DEQ strives to continually improve its customer service to FOIA requesters. To provide input for improvements to the FOIA process, please complete this survey: https://www.surveymonkey.com/s/foiaprocess

EXHIBIT Q

GONGWER Michigan
The Capitol Record Since 1906

Volume #54, Report #195, Article #1--Thursday, October 1, 2015

Senate Activity Report | House Activity Report

Pressure Mounts On Flint Water; Snyder Prepares Actions

A coalition of Flint and state organizations asked the U.S. Environmental Protection Agency on Thursday to order a switchover of the Flint water system with the Detroit Water and Sewerage system, in what is one of the most striking actions in the controversy. The demand came as state officials plan to announce a series of actions on Flint on Friday dealing with the water problems in the city.

One legislator - who also complained he had been denied documents from the state dealing with the switch from the Detroit system to using water from the Flint River (a state official said the wrong documents had been requested) - said there had been a general discussion, but no specifics about what Mr. Snyder might announce. **Rep. Phil Phelps** (D-Flushing) said he expected the state would provide more filters to residents to help curb lead in the water. Filters will be helpful, Mr. Phelps said, but not enough.

Governor Rick Snyder will not be at the event, to be held at Kettering University, but Flint Mayor Dayne Walling, along with Environmental Quality **Director Dan Wyant**, Health and Human Services **Director Nick Lyon**, Urban Initiatives Director Harvey Hollins and the state's chief medical officer, Eden Wells, will speak on the initiatives being pursued.

The presentation will be at 1:30 p.m.at the university's Innovation Center, 1300 Bluff Street.

The controversy over the water in Flint has grown exponentially since indications that lead levels, caused mainly by antique pipes and their connections, were elevated in children who were tested. Researchers said they could not absolutely say the elevated levels were from the water, but the measures showed the increase since the city made the switch. Also on Thursday, it was announced that the city had received donations to provide some 5,000 water filters to help contain the lead.

Prior to the discovery about elevated lead levels, the controversy over the system dealt largely with the smell and taste of the water. Flint switched from using Detroit water to drawing water from the Flint River in 2014 as the city prepared to build its own system that would draw water from Lake Huron. The switch was made largely because Flint and Detroit could not agree on a short-term contract to use the water, and the city, under a state-appointed emergency manager because of financial problems, did not want to pay the cost of Detroit water.

In a press conference on Wednesday, Mr. Snyder acknowledged that in making the switch, not all factors were probably considered.

The request for the EPA to order both the city and state to make the switch to Detroit water came with a variety of city and state groups, including the Concerned Pastors for Social Action, the Flint Water Study

Team, the Michigan Nurses Association, the NAACP-Michigan State Conference, the Natural Resources Defense Council and the Michigan branch of the American Civil Liberties Union, getting involved.

The request charged that neither the state nor Flint were doing enough to fix the problem and urged that both be ordered to immediately have Flint's water system reconnected with the Detroit system, and that city residents be provided with a free source of water that meets EPA standards.

Mr. Phelps, meanwhile, complained that the Department of Environmental Quality denied and the Department of Treasury ignored a Freedom of Information Act request for documents related to the city's switch from Detroit water to river water. Anytime there is a change in water systems of the course of water, the community has to apply to the state for that authority.

But Brad Wurfel, with the DEQ, said Flint did not have to file that application because the city had always listed the Flint River as its back-up should it need it for a water supply.

However, there are other documents that are available - to Mr. Phelps or anyone - dealing with the process the city and state took preparing for the switch, Mr. Wurfel said.

Mr. Phelps said a DEQ official contacted him and said there were documents available and that they would be sent to him. The official asked that he drop his FOIA request, Mr. Phelps said.

On the advice of his lawyers, Mr. Phelps said he did not drop the request. But he had also asked the department for any documents that might have to do with the switch. After his request was denied, he received several documents dealing with the system, but the documents were from 2007 and did not have to do with the switch.

Mr. Phelps was surprised by the refusal and was planning what steps to next take.

In terms of what the state should do to help in the situation, Senate **Minority Leader Jim Ananich** (D-Flint) told reporters after session on Thursday that he thought the state should first help with distributing filters to residents, especially those who may be most vulnerable, listing pregnant women, children, women that are nursing, those with immune system issues and the elderly among them.

"That should be done immediately," Mr. Ananich said. "I think we need to have corrosion control put in place as quickly as possible. Unfortunately, I think we need some independent, outside testers to come in and develop the confidence level that's just not there with traditional people in place. And I think we need to have a serious look at reconnecting with Detroit. I think the state needs to help us find a new source of water."

He said he would reserve judgment about how well the state has responded to the situation until after the administration makes its recommendations and remains unsure about any estimates on how much it might cost for Flint to reconnect to Detroit water.

"There's been some negotiations going on at the local level, but I think it's important to get the real cost because it's a public health issue. And I'm hopeful we'll find that. I would hope that all folks, with an issue of this magnitude, would not try to gouge a community that's been suffering the way they are," Mr. Ananich said. "I think we need to all, at the state level, make sure people are negotiating in good faith."

And Senate **Majority Leader Arlan Meekhof** (R-West Olive) said he is unsure what the state's role should be in terms of helping Flint. The Senate did, on Thursday, include a $100 placeholder to deal with Flint's water

crisis in an appropriations supplemental it passed, but that was to keep the conversation going, Mr. Ananich said (see separate story).

"I don't know that we really have a solution there yet," Mr. Meekhof said after session. "We could use revolving funds maybe. I don't think the city of Flint is in as bad of financial trouble as the city of Detroit, so if they need to bond for something, they would have assets with which to bond and maybe fix the problem. There's lots of options that are out there."

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EXHIBIT R

BB (Rev. 04-15)

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

September 29, 2015

Mr. Phil Phelps
819 Main Street
Unit A
Flushing, MI 48433

Dear Mr. Phelps:

This notice is issued in response to your request dated September 4, 2015, which you submitted under the Freedom of Information Act (FOIA), MCL 15.231 *et seq*. Your request was received in the Department of Treasury (Department) by electronic mail on September 8, 2015. As set forth in the Department's September 15, 2015 notice, a statutory extension of time to respond was taken through September 29, 2015.

You have requested records which you describe as: 1) All documents the Michigan Department of Treasury, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity; 2) All documents the Michigan Department of Treasury, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity; 3) All documents the Michigan Department of Treasury has in its possession, including correspondence, related to any communications between the Michigan Department of Treasury, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

To the extent we understand your description, your request is denied. After a thorough search of Department records, to the best of the undersigned's knowledge, information and belief, no such records as you describe, or by any other name reasonably known to the Department, regarding any "waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity," exist in the Department of Treasury.

Opt-Out:

In an effort to be cooperative, you may wish to contact the Department of Environmental Quality as they may have records responsive to your request.

As to the denial of your FOIA request, the Department is obligated to inform you that under section 10 of the FOIA, MCL 15.240 you may do the following:

1. Appeal this decision in writing to the State Treasurer, Michigan Department of Treasury, P.O. Box 30716, Lansing, MI 48909. The writing must specifically state the word "appeal" and must identify the reason or reasons you believe the denial should be reversed. The Department must respond to your appeal within 10 days of its receipt. Under unusual circumstances, the time for response to an appeal may be extended by 10 business days.

2. File an action in the appropriate court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements, and possible damages.

Pursuant to section 4 of the FOIA, MCL 15.234, the Department's FOIA procedures, guidelines and written summary can be found on the Department's website at the following link: http://michigan.gov/treasury/0,4679,7-121-72699-357926--,00.html.

Sincerely,

Carla M. Robert

Carla M. Robert
FOIA Coordinator

From: Wurfel, Sara (GOV)
Sent: Wednesday, October 28, 2015 1:55 PM
To: Dennis Muchmore; Beth Clement; Agen, Jarrod (GOV); Walsh, John (GOV); Rich Baird; Dick Posthumus
Cc: Murray, David (GOV); Wendy Wisniewski
Subject: FW: New reports on Flint and local government issued by MSU
Attachments: beyond state takeovers.pdf; ATT00001.htm; flint EM years.pdf; ATT00002.htm

Importance: High

Please see attached and below. We're starting to get numerous media inquiries on these.

MSU, led by Professor Eric Scorsone with the bulk of work paid for by the Mott Foundation, has apparently released two new reports today -- both related to EM law. One on Flint and one in general.

Haven't had a chance to read in depth yet, but one key take away as highlighted by Scorsone is this:

Our research points to the fact that [redacted], not the only cause but a major contributing factor. This is the first time we are aware of being able to quantify this conventional wisdom and place it in the fifty state context. And also that EMs often focus too much on just immediate fiscal crisis rather than public services, which is a major shortcoming of the law.

Working on points now, but will likely center around lacking public services is one of the key reasons and our administration has made tackling that a priority and we never lose sight of that – exhibit A is Detroit and the rationale the Governor had outlined for action. That working to invest in local communities with targeted resources and programs is key and we have numerous examples of that. That we have had work groups help look at issue and identify root causes, ways to stem, early warning signs to prevent situations from rising to fiscal crises, etc.

If anyone has any other immediate thoughts or feedback, please advise asap.

Thanks,
SW

From: Workman, Wayne (TREASURY)
Sent: Wednesday, October 28, 2015 1:17 PM
To: Stanton, Terry A. (Treasury) <StantonT@michigan.gov>; Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: Fwd: New reports on Flint and local government issued by MSU

Here are the reports. Not read yet

Sent from my iPhone

Begin forwarded message:

> **From:** "Scorsone, Eric" <scorsone@anr.msu.edu>
> **To:** "Amrhein, John" <amrhein@anr.msu.edu>, "Arnold Weinfeld

(Arnold.Weinfeld@primacivitas.org)" <Arnold.Weinfeld@primacivitas.org>, "Adrienne Lu (alu@pewtrusts.org)" <alu@pewtrusts.org>, "Khouri, Claire (GOV)" <KhouriC@michigan.gov>, "Alicia Kitsuse (akitsuse@mott.org)" <akitsuse@mott.org>, "Andy Dillon (adillon@conwaymackenzie.com)" <adillon@conwaymackenzie.com>, "Anne Blankenhorn (ABlankenhorn@senate.michigan.gov)" <ABlankenhorn@senate.michigan.gov>, "Alan Mallach" <amallach@comcast.net>, "Allen Bass" <gabass@pobox.com>, "avanderberg@miottawa.org" <avanderberg@miottawa.org>, "[redacted]", "Anne Marie Langan" <Anne@detroitmi.gov>, "fwd_schmid" <schmid@msu.edu>, "blarkin@flintandgenesee.org" <blarkin@flintandgenesee.org>, "Beyea, Wayne" <beyea@anr.msu.edu>, "Brian McGrain (mcgrain@cedam.info)" <mcgrain@cedam.info>, "Ballard, Charles" <ballard@msu.edu>, "Bernstein, Douglas [DBernstein@plunkettcooney.com]" <DBernstein@plunkettcooney.com>, "Bill Mathewson (wmathewson@mml.org)" <wmathewson@mml.org>, "Beecher, Janice" <beecher@msu.edu>, [redacted] "Bruce A Pietrykowski (bpie@umd.umich.edu)" <bpie@umd.umich.edu>, "bstibitz@michigan.gov" <bstibitz@michigan.gov>, "Chris DeRose (CDeRose@mersofmich.com)" <CDeRose@mersofmich.com>, "CKINNS@osc.state.ny.us" <CKINNS@osc.state.ny.us>, "Cudney, Patrick" <cudney@anr.msu.edu>, "Kyle, Cynthia" <Cynthia.Kyle@ssc.msu.edu>, "Coffey, Ryan" <coffeyry@anr.msu.edu>, "Carol O'Cleireacain [redacted], "cthiel@crcmich.org" <cthiel@crcmich.org>, [redacted] 'Debra Horner" <dhorner@umich.edu>, "Dennis Muchmore [redacted]'Delgado, Vincent" <delgado1@msu.edu>, "Debra Pospiech (pospiechd@detroitmi.gov)" <pospiechd@detroitmi.gov>, "Wilson, Diane" <wilsondi@msu.edu>, "'David B. Schweikhardt'" <schweikh@msu.edu>, "Roberts, Douglas" <Douglas.Roberts@ssc.msu.edu>, "Eric Lupher" <elupher@crcmich.org>, "Emanuele Padovani" <emanuele.padovani@unibo.it>, "ftoboso@uv.es" <ftoboso@uv.es>, [redacted] "Graebert, Mary" <lakemary@landpolicy.msu.edu>, "Gibb, Terry" <gibb@anr.msu.edu>, "Nolan, Genevieve (Genevieve.Nolan@moodys.com)" <Genevieve.Nolan@moodys.com>, "Haas, Virginia" <haasv@msu.edu>, "Hannan, Randy" <Randy.Hannan@lansingmi.gov>, "Hollins, Harvey (GOV)" <hollinsh@michigan.gov>, "Heather Shawa-DeCook (hsd@LBWL.COM)" <hsd@LBWL.COM>, "Houghton, Tina (hought17@vps.msu.edu)" <hought17@vps.msu.edu>, "fwd_harveyl" <harveyl@msu.edu>, "Ivan, David" <ivand@anr.msu.edu>, "Irvin Corley" <irvin@detroitmi.gov>, "Saliterer, Iris" <Iris.Saliterer@aau.at>, "Ault, Ingrid" <iault@anr.msu.edu>, "Jacques, Ingrid (IJacques@detroitnews.com)" <IJacques@detroitnews.com>, "Jim Smiertka (Jim.Smiertka@primacivitas.org)" <Jim.Smiertka@primacivitas.org>, "Jerome Pokorski (jpokorski@waynecounty.com)" <jpokorski@waynecounty.com>, "'Julie Metty Bennett'" <jmetty@pscinc.com>, "'Jennifer Chambers'" <jchambers@detnews.com>, "Jeff Guilfoyle (jguilfoyle@pscinc.com)" <jguilfoyle@pscinc.com>, "John Bebow" <jbebow@thecenterformichigan.net>, "khuh@pewtrusts.org" <khuh@pewtrusts.org>, "kocherp@dor.state.ma.us" <kocherp@dor.state.ma.us>, "Khouri, Nick (TREASURY)" <KhouriN@michigan.gov>, "Bouffard, Karen [kbouffard@detnews.com]" <kbouffard@detnews.com>, "kristi.bowman@law.msu.edu" <kristi.bowman@law.msu.edu>, "Bouffard, Karen [kbouffard@detnews.com]" <kbouffard@detnews.com>, "Korac, Sanja (Sanja.Korac@aau.at)" <Sanja.Korac@aau.at>, "karen.pierog@thomsonreuters.com" <karen.pierog@thomsonreuters.com>, "Loveridge, Scott" <loverid2@anr.msu.edu>, "David Massaron (MassaronD@detroitmi.gov)" <MassaronD@detroitmi.gov>, "Myra Khattab (myrakhattab@gmail.com)" <myrakhattab@gmail.com>, "Wyckoff, Mark" <wyckoff@landpolicy.msu.edu>, "Mike Brown (Mike.Brown@primacivitas.org)"

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Subject: New reports on Flint and local government issued by MSU

Good Morning,

Please find attached some new reports from MSU regarding the Flint EM years (2011-2014) which is a follow-up to our 2011 report on Flint.

Find here the original Flint report:
https://www.cityofflint.com/wp-content/uploads/Reports/MSUE_FlintStudy2011.pdf

The second report documents the role of state government in the fiscal affairs of Local Government. In particular, you will note:

· Page 9, figure 4 that Michigan escalated its local tax limitations more than almost any state except Colorado

- Page 11, figure 5, Michigan is a stick state in regards to local aid

- Page 14, figure 6, MI is ranked as being high cost and high revenue pressure (meaning revenue restrictions) which is the worst of both worlds

Our research points to the fact that Michigan policies are a major part of the cause of local fiscal distress, not the only cause but a major contributing factor. This is the first time we are aware of being able to quantify this conventional wisdom and place it in the fifty state context.

Thank you

Eric

Dr. Eric Scorsone
Associate Professor and Director
Cetner for Local Governance and Finance
Department of Agricultural, Food and Resource Economics and MSU Extension Greening Michigan Institute
College of Agriculture and Natural Resources
Michigan State University
East Lansing, MI 48824-1039
(517)353-9460
scorsone@msu.edu

Beyond State Takeovers:
Reconsidering the Role of State Government in Local Financial Distress, with Important Lessons for Michigan and its Embattled Cities

MSU Extension White Paper

By:

Joshua Sapotichne, Department of Political Science

Erika Rosebrook, Department of Political Science

Eric A. Scorsone, Department of Agricultural, Food and Resource Economics

Danielle Kaminski, Department of Agricultural, Food and Resource Economics

Mary Doidge, Department of Agricultural, Food and Resource Economics

Traci Taylor, Anderson Economic Group

Financial support for this research was provided by the C.S. Mott Foundation. Sapotichne and Rosebrook received support from the Department of Political Science at Michigan State University. Daniel Casey-Dunn, Madeline Mangan and Sean Fitzpatrick provided valuable assistance with the collection, coding and analysis of data for this research.

(8/31/2015)

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Executive Summary

One provocative pattern to emerge from the Great Recession is that instances of acute local fiscal distress have clustered in certain states and not others. As recently as last year in Michigan, a state appointed Emergency Manager was operating in each of 17 local governments and school districts. A recent California Policy Center report suggests that more than a dozen cities and counties in California – a state that has already experienced three recent, high-profile municipal bankruptcies and a near-bankruptcy in San Jose, the "capital of Silicon Valley" – are on the cusp of defaulting on general obligation bonds

With the generous support of the C.S. Mott Foundation and Michigan State University, we have engaged in a multi-pronged, multi-method research program to assess the crucial but often overlooked role of state governments in shaping the ways in which cities respond to financial difficulties. This report, based on our analysis of a unique, nearly half-century-long dataset of state and local financial and policy information and correspondence with state officials, analysts and legal experts involved in state-local fiscal affairs, elaborates several key findings:

- **Municipal fiscal distress is not simply a *local* problem. State laws and policies provide state governments with extraordinary influence over the ability of cities to balance revenue and expenditure flows.** The common perception that critical taxing and spending decisions are largely within a city government's control tends to conceal this fundamental detail about American state-local fiscal relations.
- **The ways in which state lawmakers act on this influence varies from state to state and over time.** We refer to the complex mix of laws and policies that prescribe the powers, rights and capacities of local lawmakers to respond to their financial conditions as the **state context for local fiscal distress.** Section 1 of this report assesses key elements of this state context for the lower 48 states since 1970.
- **Some states incubate local financial stress by simultaneously driving up spending pressures on their cities while curtailing their capacity to raise critical revenue.** Since the 1970s, the proliferation of state-imposed tax revenue limitations, coupled with recurring cuts to state aid, has fostered a system that limits a city's ability to fund critical services. Some state governments further undermine the fiscal capacity of their cities via state laws and policies that engender steep expenditure-side pressures (e.g., devolving program responsibilities or driving up labor costs). We classify these states as **incubators of fiscal distress.**
- **Michigan incubates financial stress among its local governments.** Michigan's particular mix of stringent limitations on local revenue and its relatively low level of financial assistance to cities, coupled with spending pressures stemming from spiking local service burdens and increased labor costs, creates conditions that drive up the potential for local fiscal distress.
- **Because state governments can foster dramatically different state contexts for local fiscal stress, there is no single model policy for state intervention in distressed cities or for prevention of local fiscal distress.** A policy that does not address a state's unique context is unlikely to help cities escape financial trouble over the long term. State lawmakers must decide which legal and political tradeoffs they are willing to make to support city fiscal health. Michigan lawmakers, for instance, must recognize that the state context contributes to the problem of local fiscal distress. An aggressive intervention policy does little to curtail the consequences of this state-imposed context. Section 2 of this report draws policy lessons from comparable states in an effort to illustrate alternative approaches to state involvement in local fiscal affairs.

This report's practical recommendations are aimed at assisting the C.S. Mott Foundation, state and local officials, and Michigan residents in identifying a more effective policy and legal approach to local fiscal crises. These are not overly startling recommendations, yet they are easy to neglect because policymakers tend to focus more on short-term political gain rather than the histories and unintended consequences of policies that, over time, become increasingly difficult to alter. Some key recommendations:

- **Creating a state agency that coordinates services to local governments and offers technical support and fiscal monitoring.**
- **Raising awareness among citizens and state decision makers that the causes of fiscal distress are not solely at the local level. Though state governments are certainly part of the solution, they can be a big part of the problem as well.**

Introduction

A recent spate of research and media reports suggest that as the fiscal consequences of the Great Recession continue to subside, state and local fiscal conditions are on the upswing. American cities and locales, however, are not yet out of the woods. A recent analysis from the National League of Cities strikes the proper tone of caution when reporting that, though indeed *state* governments have recovered (albeit slowly), "...*local* fiscal health has not yet fully returned to pre-recession levels. ... While tax revenues continue to improve, increases in service costs, long-term infrastructure needs, employee wages, and pension and healthcare obligations, along with decreased levels of state and federal aid, continue to constrain the [local] fiscal outlook" (McFarland and Pagano, 2014, p. 1, emphasis added).

One thought-provoking pattern to emerge from the aftermath of the Great Recession is that the fiscal outlook seems to be particularly bleak among local governments in certain states. The city of Detroit's bankruptcy proceedings may have indicated that Michigan is something of a hotbed for local financial disaster. Yet a far more damning indicator is the prevalence of financial distress among the state's other local governments. As recently as last year, 17 local governments and school districts were operating under the control of a state-appointed emergency financial manager. Recently, Michigan's most populous county, Wayne, was recently designated for financial emergency status as well. Michigan does not stand alone. News from California, a state that has already seen four cities enter the municipal bankruptcy process since 2008, is equally discouraging. The authors of a recent report conducted for the California Policy Center argue that more than a dozen cities and counties in California are statistically far more likely than "a typical U.S. city or county" to enter bankruptcy proceedings or default on general obligation bonds, with several cities – such as Compton, King City, Sutter Creek and Ione – are a whopping 20 to 40 times more likely to experience acute financial crisis (Joffe and Larkedring, 2015).

What is it with local governments in these states? When it comes to urban fiscal problems, there is much blame to go around. Some blame a mixture of national and global economic forces beyond the control of state and local policymakers. Others contend that the cities facing severe budget crises have only themselves to blame. The goal of this report is to refocus attention on the crucial but often overlooked role of state governments in determining the ways in which cities respond to financial difficulties. How and in what specific ways do state governments structure this local response? Is it possible to assess the fiscal value that all states – via their mix of policies, laws and institutions – may add to or take away from local fiscal decision making? Is it truly more challenging to gain and maintain fiscal sustainability in certain states than it is in others? And in light of this consideration of the role that state governments play in structuring local fiscal decision making, in what ways do state governments choose to – or choose not to – internalize their role in the design and administration of their fiscal distress intervention policy? In other words, can we identify policy self-awareness among state governments that place particularly onerous fiscal pressures on their local lawmakers?

To respond to these important questions, we, with the generous support of the C.S. Mott Foundation and Michigan State University, set out on a multi-pronged, multi-method research program at a critical time in which a new era seems to be dawning for state-local fiscal relations. This report summarizes the findings of the first stage of this ongoing project.

Section 1 of this report develops an indicator for the state context for local fiscal distress based on the mix of state laws and policies that directly influence the revenue and spending decisions of local governments. This section uncovers a number of compelling patterns in the state imposition of revenue and spending pressures over the past quarter-century. Chief among these patterns is that, although a number of states have taken measures to severely limit the revenue capacity of their local governments (thus reducing the resources available to maintain critical services) and several states have devolved greater service responsibilities (and higher spending burdens) to their local governments, only a small handful of states simultaneously drive up spending pressures while aggressively curtailing local governments' capacity to raise revenue. Taken independently, state-imposed revenue- and expenditure-side pressures can play a determinative role in local fiscal decision making. Taken together, as in states such as Michigan and California, they incubate local fiscal distress and can serve to foster fundamental budgetary imbalances that more fiscally challenged local communities are ill-equipped to overcome.

In Section 2, we draw on interpersonal communications with key personnel in several states to assess key elements of state policies for intervening in fiscally distressed local governments. We set out to identify similarities in intervention policies – of which Michigan's is the poster child – and to learn how other states approach local fiscal crises differently. From our work with the state officials, we illustrate how state governments can more effectively align policy with the nature of the problems faced by cities in distress, as well as how state-imposed constraints hamper cities' abilities to balance revenues and expenditures over the long-term. In Section 3, we combine the lessons from Sections 1 and 2 to outline recommendations that can assist the C.S. Mott Foundation, state and local officials, and Michigan residents in identifying a more effective approach to local fiscal crises.

Section 1: Assessing How States Set the Context for Local Fiscal Distress: Revenue Squeezes and Expenditure-side Pressures

Two essential powers that local officials enjoy are their authority to raise revenues and their power to allocate those revenues as they see fit via public expenditures. In local media and policy research, city officials are sometimes lauded for what are perceived as exciting local policy outcomes, such as when a city makes a significant move up the "America's Greenest Cities" or "Child Well-being and Health" rankings. More commonly, they are chastised for decisions deemed detrimental to the city's future, such as providing generous benefits to the municipal workforce, slashing essential services, enacting a rigid historical preservation agenda or raising licensing fees. Yet the common perception that critical taxing and spending decisions – and, by extension, the apportionment of blame and credit associated with the outcomes of such decisions – are largely within a city government's control conceals a fundamental detail about American state-local fiscal relations: state laws and policies provide state governments with extraordinary influence over nearly every aspect of city budgeting. From the type and level of financial assistance that state governments deliver to state-imposed controls over local revenues; to the growing practice and use of state mandates, preapproval and preemption; to minimum service standards; to the formal or informal consultations, advice or technical assistance that state governments may (or may not) provide, local governments in America, in the words of influential legal scholars Gerald Frug and David Barron (2008, p. 75), simply "do not have anything like the kind of local fiscal autonomy often attributed to them."

States influence local governments' capacity to balance revenue and expenditure flows in a variety of ways. In this report, we focus on two core dimensions of this state context for local financial distress.[1] The first is the degree to which states participate in adding or reducing local revenue capacity via the policy balance between the buoyancy of state-granted aid and shared revenue, and the severity of state-imposed controls over city tax revenues. Although most states exhibit a relatively balanced policy approach to local revenue capacity, some state governments have responded to local revenue challenges by granting greater access to state intergovernmental aid while mostly suppressing financial controls over local taxes. These are revenue "carrot" states. Another group – revenue "stick" states, of which Michigan is a prime example – have responded to local revenue challenges by ratcheting financial controls while offering thin or uncertain compensatory aid. Simply put, we expect it to be far more challenging to maintain a sustainable fiscal outlook in states that simultaneously suppress own-source revenue capacity and transfer very little aid to municipalities, particularly during national or state economic downturns.

State policies and actions also burden the opposite end of local budgetary processes: decisions over public expenditures. Few, if any, local spending responsibilities exist because cities choose to take them on. The state decides.[2] Spending pressures can be subtler. For instance, local labor costs, which account for a large slice of most cities' budgets, are heavily influenced by state policies and regulations concerning municipal employees' wages and level of retirement and health care benefits.[3] This basic fact should give pause to those who instinctively attribute chronic local fiscal distress to "profligate spending on public employees" (Greenhut, 2012, pp. 1-2) or "spiraling labor and pension costs" (Rozansky, 2012). To borrow again from Frug and Barron's seminal work (2008, p. 199), "Although cities are often criticized for granting overly generous pensions and health care to their employees, sometimes they become supporters of municipal employees' benefits because the state requires them to do so." Our more general argument here is that it is foolish to claim to correctly diagnose the causes of local fiscal distress without careful examination of the spending context in which states place their cities. In this paper, we aim to capture a large slice of this expenditure-side context by assessing state public sector collective bargaining policies (specifically, those covering municipal police, firefighters, teachers and other local employees) and public employee union membership coverage.

1 Formally defined as the complex, multidimensional, legal-policy frameworks that prescribe the powers, rights and capacities of local lawmakers to respond to their financial conditions.

2 Via specific provisions (or the absence of such provisions) regarding local statutory authorization, budgetary constraints or more general interpretations of local governments' home rule authority.

3 For instance, Michigan, even after the adoption of right-to-work legislation in late 2012, mandates binding arbitration for public safety officers in the event that involved parties in a labor contract dispute cannot reach an agreement. Massachusetts pays out benefits to local employees through the State-Boston Retirement System via formulas established by state law. Illinois law does not mandate city or employee benefit or contribution levels, instead favoring local flexibility in the control over pension costs.

The final segment of this section considers how these revenue- and expenditure-side pressures interact within and across all U.S. state governments. As one might expect (or at least hope), these two competing dimensions tend to work against one another. States that are more revenue stick (meaning local tax limitation increases outpace the distribution of state aid) tend not to impose equally exacting expenditure-side pressures, at least in relation to local labor costs. For many states that do drive up labor and service costs via their mixture of policies, these costs are at least partially offset via a more resilient and vibrant aid environment, coupled with limited own-source revenue restrictions. A few states, such as Michigan and California, place strict limits on local own-source revenues while at the same time providing only meager intergovernmental aid and imposing costly labor and service obligations. We contend that these states have structured local fiscal policymaking in a way that effectively incubates local financial distress. These state contexts are the most egregious in hampering the exercise of local fiscal power; yet the nature of the problem for cities may be much worse – state-imposed budgetary imbalances can engender recurring structural deficits and diminished local service capacity, particularly among the states' older, industrial urban areas.

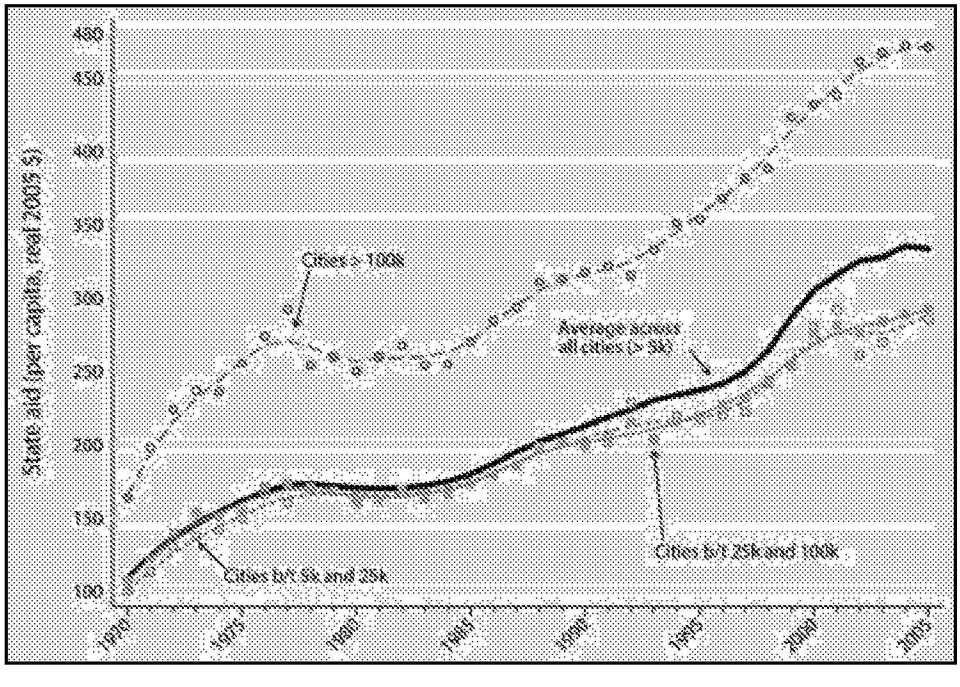
(1) Squeezing Local Revenue Capacity: Thin and Fragile State Aid; Escalating Local Tax Limits

State governments, by virtue of their superior constitutional position, have sweeping legal powers to regulate local finance. Central to our assessment of the state's role in local fiscal distress are state controls over the two dominant sources of city revenue: state aid and local taxes. Local governments occupy a weak position in the American federal system, causing local officials to rely heavily on, in the words of one analyst, "whatever sources of income the states are willing to let them tap into" or "whatever financial assistance" the states are willing to provide (Berman, 2003, p. 89). Sbragia (1983) aptly refers to the condition of American federalism as "the municipal money chase," and in the absence of a vibrant federal aid environment in the United States, state aid – in the form of shared taxes (typically sales, income and gasoline) and restricted or unrestricted grants – continues to be a major source of local government revenue, accounting for roughly a third of local revenue, on average, during the past two decades (Berman, 2003; Urahn et al., 2012).[4]

The importance of a well-designed state aid system is hard to overstate. It allows local officials greater flexibility in responding to economic pressures and the service needs of residents. This flexibility is particularly valuable during periods of economic downturn. Because local governments vary widely in their tax bases and in their ability to raise critical own-source revenues, influential research illustrates the equalizing potential of state aid, particularly in helping to smooth out revenue gaps between wealthier and poorer local jurisdictions (Pelissero, 1984; Stein and Hamm, 1987). In the past few decades, very few states target aid to local governments as a function of local need (Stein and Hamm,

4 Though formulas for the distribution of local aid can vary significantly across states (as well as within states over time), all states provide some form of aid to local governments – often from a historical exchange in which cities would forgo the right to collect certain taxes in exchange for the states returning revenues from those taxes in some form. States typically allocate shared revenue for specific purposes or link it to particular functions of local government. Some shared revenue, however, is unhindered by such state restrictions and can be spent as local lawmakers see fit.

Figure 1. Mapping the Average State Aid Environment Since 1970

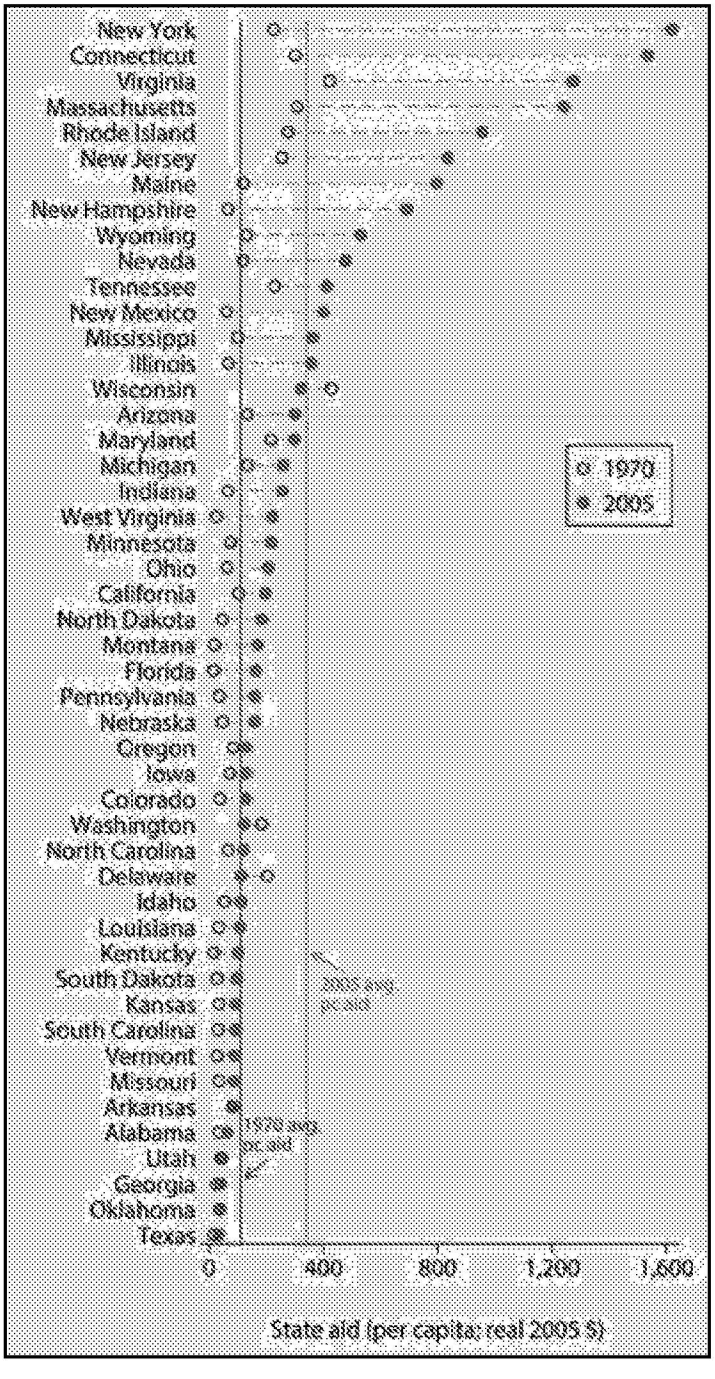


1994). The level of state aid that is available can make it possible for certain jurisdictions – for instance, older, industrial cities experiencing significant job loss coupled with a much reduced tax base – to at least afford minimum levels of services and possibly respond to growing service demands on the heels of a crippling state or national recession (see Ladd and Yinger, 1994).

How then can we characterize the critical state aid portion of the state-controlled revenue environment for American cities? Figure 1, which illustrates trends in per capita state aid to three classes of city governments, shows a steady upward trend in transfers (per capita) received from state governments. Though it is beyond the scope of this project to analyze specific revenue-sharing rules and aid formulas over time and across state contexts, our city financial data allow us to compare important trends in what the Census of Governments classifies as "Total Intergovernmental Revenue from the State Government."[5] In other words, we plot data indicating the fiscal outputs of these rules and decisions. As Figure 1 illustrates, the positive trend over time is particularly strong for cities with populations over 100,000.[6] On average, it would seem that state governments have helped at least larger cities meet increasingly difficult financial conditions through the extension of intergovernmental transfers.

Figure 2, which compares levels and growth of per capita state aid across the contiguous 48 states, paints a bleaker portrait. Consistent with the findings presented in Figure 1, 43 of the 48 states exhibit positive growth rates, meaning that roughly 90 percent of the lower 48 states provided higher levels of aid in the current era than in the early 1970s (mean increase = 256 percent). Figure 1, however, masks the considerable unevenness with which state governments deliver aid. This unevenness is on display in Figure 2, where fewer states provide above average levels of aid, and most states exhibit relatively flat growth in the distribution of state aid.[7]

Figure 2. The Uneven Development of State Aid Environments



5 This includes state grants-in-aid, regardless of basis of distribution; local share of state-collected taxes; payments in lieu of taxes on state property; and reimbursement for services performed for state government (e.g., care of state prisoners in local jails, construction or maintenance of state highway facilities, etc.) (U.S. Bureau of the Census, 2006).

6 In 1970, these cities received roughly $160 per capita (in real 2005 dollars) in state intergovernmental revenue; in 2005, the most recent year in our time series, average per capita aid was $470. Though the growth rate for small and medium-sized cities is not as steep, the steady uptick in average per capita state aid exemplifies a healthier state aid environment than in the past.

7 As is indicated by the maroon-colored vertical line, the average per capita aid provided to local governments in 2005 was just over $340. Texas, Oklahoma, Georgia and Utah provided around $40 per person, on average. New York, Connecticut, Virginia, Massachusetts and Rhode Island, on the other hand, distributed intergovernmental revenue at an annual rate at or around $1,000 per resident.

One key reason for this unevenness is that state aid tends to ebb and flow with changing state-level economic conditions (Berman, 2003, pp. 100-102). More generally, state intergovernmental aid – particularly those discretionary resources distributed via statutory aid policies and unprotected by state constitutions – is inextricably linked to state legislative budget battles. State legislatures and governors, scrambling to balance their own budgets, are simply more likely to risk citizen backlash from significant aid cuts during periods of widespread budget shortfalls. What is more, state lawmakers across the country seem to be looking with decreasing favorability on the idea of, in the derisive words of one Wisconsin legislator, "being an ATM machine for local governments" (Rinard, 1999, p. 1).

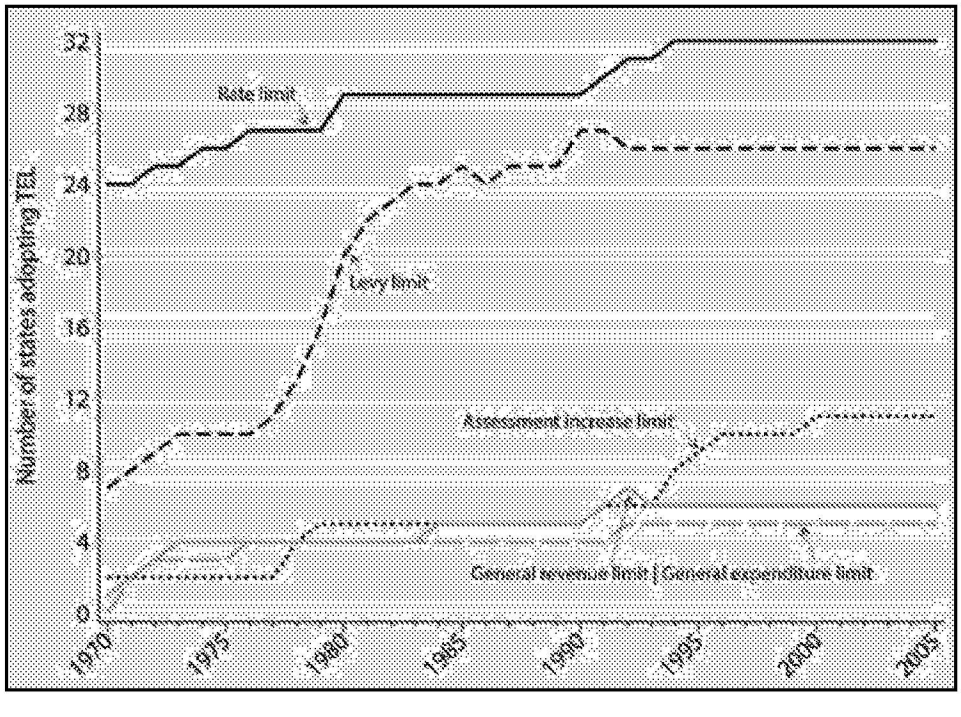
Figure 2, however, illustrates that not all states have chosen to respond to their revenue difficulties by making cuts to intergovernmental aid. A study from Pew's American Cities Project reports that Connecticut, which provides one of the more vibrant aid environments in the country, chose to slightly bolster intergovernmental aid to its local governments on the heels of the Great Recession (in fiscal year 2010) and has not reported a cut since then. Nebraska, on the other hand, canceled all funding to its local governments in 2011; Maryland, California, Arizona, Nevada, Minnesota, Texas, Virginia and Wyoming made 5 to 6 percent cuts that same year. All else being equal, we would expect it to be far less onerous to balance revenue and expenditure flows in city governments in states such as Connecticut, New York or Massachusetts – i.e., states where key state decision makers seem less inclined to shift service costs to local governments via cuts in state aid during times of state financial stress – than in cities facing similar sets of environmental, political or managerial conditions in states that provide lower or more volatile levels of intergovernmental aid.

State policies regarding levels and delivery of state aid are but one piece of an increasingly complex set of structures that govern local revenue capacity. In a classic textbook on American intergovernmental relations, Stephens and Wikstrom (2006, p. 196) remark, "Without doubt, the most important mechanism that the state has for influencing the political behavior of local officials involves financial assistance." This may have been true in the 1970s or 1980s, and to be sure it is a fundamental tenet of traditional models of fiscal federalism, but the most important mechanism for controlling local fiscal behavior in the past quarter-century is the tax and expenditure limit (TEL) – a label that broadly captures state attempts to limit the taxing and/or spending authority of its local governments through constitutional amendment or legislative enactment.

State governments have long imposed some manner of TEL.[8] Figure 3 tracks the adoption of TELs since 1970 across the four most common categories: *rate limits* – which are overall or specific tax rate limits that set the ceiling on the aggregate tax rate, which cannot be exceeded without a vote of the electorate; property tax *levy limits*, which constrain the total amount of revenue that can be raised from the property tax (independent of the property tax rate); *assessment increase limits*, which cap the growth rate of assessed values and is intended to control the ability of local government to raise revenue either by reassessment of property or through escalation of property values; and

8 For instance, the first states to establish property tax rate limits were Rhode Island (1870), Nevada (1895), Oklahoma (1907) and Ohio (1911).

Figure 3. Proliferation and Layering of TELs Since 1970

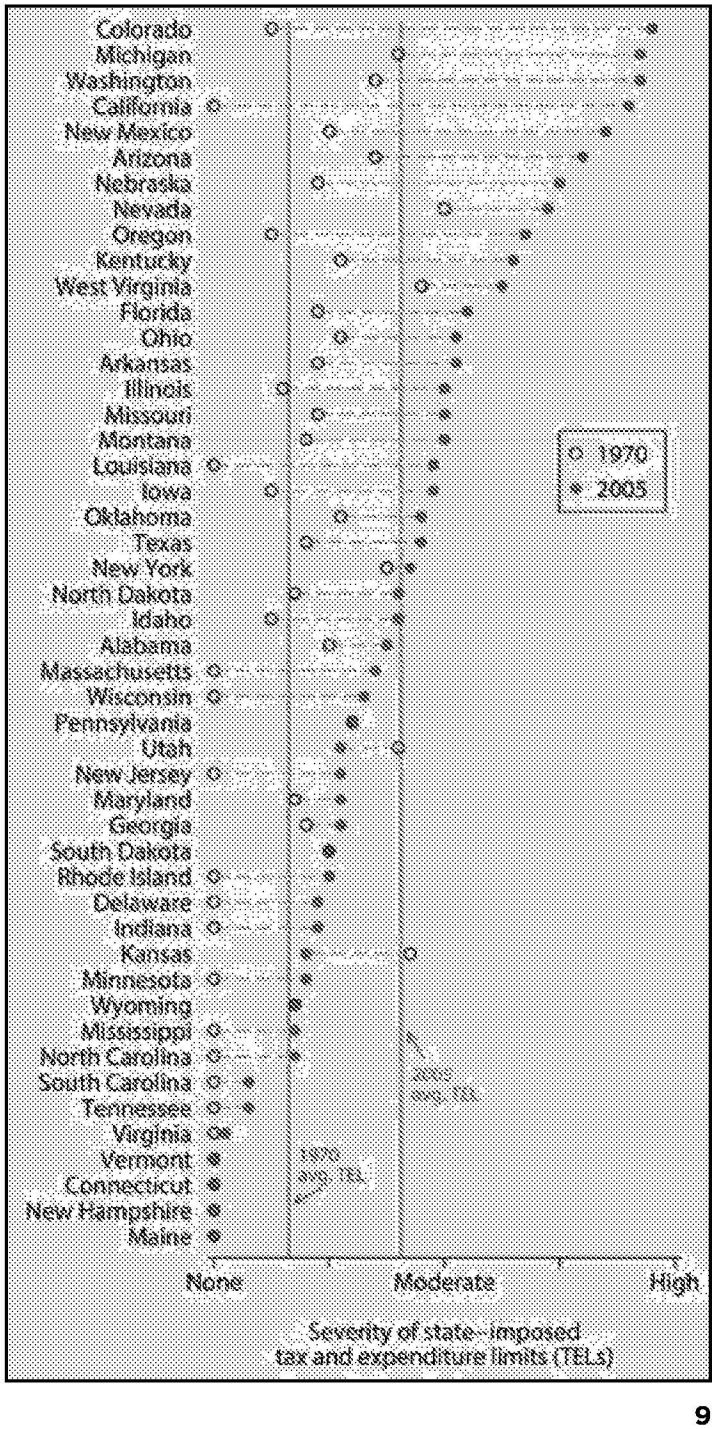


limits on *general revenue* or *general expenditure* increases, which set the maximum growth rate of total revenue or total spending.

Whereas a great deal of research has shown that the appearance of even a single TEL constrains the capacity of local officials to generate revenues on their own (see Poterba and Rueben, 1995; Shadbegian, 1996, 1999; it is the accumulation or layering of fiscal constraints that can be particularly damaging to the revenue capacity of local lawmakers.[9] In single-TEL states, for instance, raising assessments might be employed to circumvent property tax rate limits and vice versa; in states that impose only an assessment cap, this single limitation could potentially be overcome by adopting a higher rate. These methods of circumvention were common early in the 1970s, when 24 of the 29 states adopting some form of TEL imposed only one constraint (mostly rate limits), and a mere five states imposed two revenue TELs. Today, at least 27 of the contiguous 48 states impose multiple revenue TELs. Nineteen states impose two, and eight states – Arizona, California, Colorado, Michigan, Nebraska, Nevada, New Mexico and Washington – apply three local tax limitations.

The number of TELs in a state does not necessarily capture the severity of the limitation(s), though it is reasonable to expect a higher frequency of TELs to create a more restrictive local tax environment. Figure 4 displays a measure of TEL severity (see appendix regarding our research approach beginning on page 25), with the open point illustrating the severity of the state's TEL in 1970, the closed (maroon) point plotting restrictiveness in 2005, and the dashed horizontal line representing the change in severity of the state's tax limitations.[10] Figure 4 reveals some noteworthy patterns that illustrate the reality of state policy choices regarding local tax structures. Michigan, a state that imposes one of the more onerous sets of revenue restrictions, achieved this status via a one-two punch of major constitutional amendments enacted by voters: the Headlee Amendment in 1978 and Proposal A in 1994.[11] The Headlee Amendment capped local property tax millage rates to the rate of inflation. Proposal A – a constitutional amendment quite similar to Proposition 13 in California, a state with a similarly restrictive fiscal relationship with its locales – further limited local property tax revenue growth

Figure 4. TEL Escalations by State



9 Rising adoption rates are on display in Figure 3. So, too, is the increasingly common phenomenon of TEL layering, meaning the imposition of state-imposed controls on multiple elements of the local tax structure. And those controls are growing: in 1970, 29 of the contiguous 48 states had at least one revenue TEL; today, some 41 of 48 states have at least one local revenue limit.

10 The measure of TEL severity, initially proposed by Amiel, Deller and Stallmann (2009), indexes six key characteristics: the type of TEL (see discussion above), if the TEL is statutory or constitutional, growth restrictions, method of TEL approval, TEL overrides and exemptions, and method of override. For a more detailed discussion of this measure, see Amiel, Deller, and Stallmann (2009) and Maher and Deller (2013).

11 Constitution of the State of Michigan, Sections 25-33.

by changing the system of assessment to cap individual property values and prohibiting cities from "rolling up" a millage to the rate of inflation if actual property value growth was lower than inflation.[12] Taken together, these two large TEL ratchets, which came 17 years apart and layered on top of an already aggressive property tax rate limit, placed tremendous pressure on local lawmakers' ability to generate critical revenue (Brunori et al., 2008). Contrast Michigan's approach to that of Massachusetts's Prop 2½, a similarly infamous state-imposed TEL, which was passed by referendum in 1980 and effectively caps local property tax levies at 2.5 percent of real property value. Massachusetts's relatively moderate position on the severity index owes much to the state's choice to apply no corresponding rate, revenue or assessment limits on local lawmakers.

TELs, taken alone, are neither inherently good nor bad. They have been alternately portrayed as necessary evils for taming "Leviathan" city governments (Brennan and Buchanan, 1979; Craw, 2008; Downes and Figlio, 1999), or as just plain evils that stifle cities' abilities to pursue innovative visions for their futures (Frug and Barron, 2008).[13] However, over three decades after the tax revolt movement took hold in a major way in states such as California and Michigan, the widespread adoption of local TELs depicted in Figures 1 and 2 has had two overarching effects: the first is the loss of local revenues; the second is decreasing local reliance on property taxes.[14] There is little evidence to suggest that TELs, however, promote local fiscal sustainability. The reason is that local spending mostly goes unaffected by revenue limits (Dye and McGuire, 1997), particularly in the absence of state-imposed spending lids, which exist in only a small handful of states.[15]

In sum, the proliferation of state-imposed TELs has helped to create a national state-local fiscal system that is simply less conducive to local governments' abilities to fund their own activities.[16] States with more aggressive local TELs – such as Michigan, Colorado and California – hinder the revenue capacity of their local governments. This capacity is vital during even the most moderate of economic downturns because service demands tend to rise and state aid tends to drop. Revenue slack, however, was particularly vital during the most recent recession. In previous downturns, home prices mostly remained stable, thus steadying property tax revenues (particularly in relation to sales and income taxes). In the 2009 recession, property tax revenues, already slowed in certain states via state-imposed TELs, plummeted in simultaneity with state aid. The good news, as we illustrate below, is that a relatively small number of states impose such crippling revenue constraints from both ends: meaning states that both limit own-source revenue capacity while also providing far from vibrant levels of state aid. The bad news is that, for local officials who must operate within those state environments, even small declines in revenues can present tremendous budgetary challenges.

Mapping the Revenue Squeeze: Revenue "Carrot" and Revenue "Stick" States

As property tax revenues continue to erode as a function of state-imposed TELs and local governments have become more reliant on state aid, some observers have suggested that state governments have responded to their expanding role in local fiscal affairs by providing greater levels of intergovernmental revenues (Berman, 2003; Sokolow, 2000; Dye and McGuire, 1997b).[17] This reading of state-local fiscal dynamics is somewhat supported by comparing trends in average levels of state aid to local governments exhibited in Figure 1 and total revenue limit adoptions depicted in Figure 3. However, our data allow for a far more detailed look at how local revenue capacity is being affected by state policies for local governments within each of the lower 48 states.

Figure 5 depicts a rough state-level indicator of the severity of state restrictions on local revenue capacity. States for which our standardized measure of per capita state aid far exceeds our standardized measure of the severity of local revenue limits – such as Connecticut, New York, Massachusetts, New York, Rhode Island and New Jersey – are depicted in orange and labeled revenue carrot states. All else being equal, we would expect the revenue capacity of local governments in these states to be buttressed by their state context. As was pointed out above, a well-structured state aid environment increases the overall fiscal capacity of local governments and, according to Pagano and Hoene (2010, p. 260), can provide "a level of equalization and base support for municipalities that may lack other resources." Additional value to local revenue capacity stems from the fact that critical own-source revenues are

12 Many other provisions of both the Headlee Amendment and Proposal A are related to other parts of the state finance system, and a detailed examination of the depth of both laws would be a paper unto itself. We will discuss the impacts of these types of laws, generally and in Michigan, later in the paper.

13 To be sure, they are a frequent source of local consternation, particularly as fixed costs occupy a larger share of local budgets and demand for services – driven by postrecession unemployment rates, population changes and other factors – continues to rise.

14 Indeed, in many state contexts, forgone property tax revenues have at least partially been recovered via more regressive revenue sources – such as fees and, where allowed, sales taxes.

15 This is an important point that is often obscured by the frequent reliance on the TEL acronym (Tax and *Expenditure* Limits).

16 Amidst the national clamor for government austerity and fiscal responsibility, it is important to point out that these activities – particularly in the states that impose the most formidable set of revenue constraints, such as Michigan, California and Colorado – include essential local services such as public safety and infrastructure maintenance, which are critical functions of local government.

17 Greater local reliance on state aid does not necessarily mean that state officials have "anteed up," a point that, mainly because of data constraints, is too often overlooked.

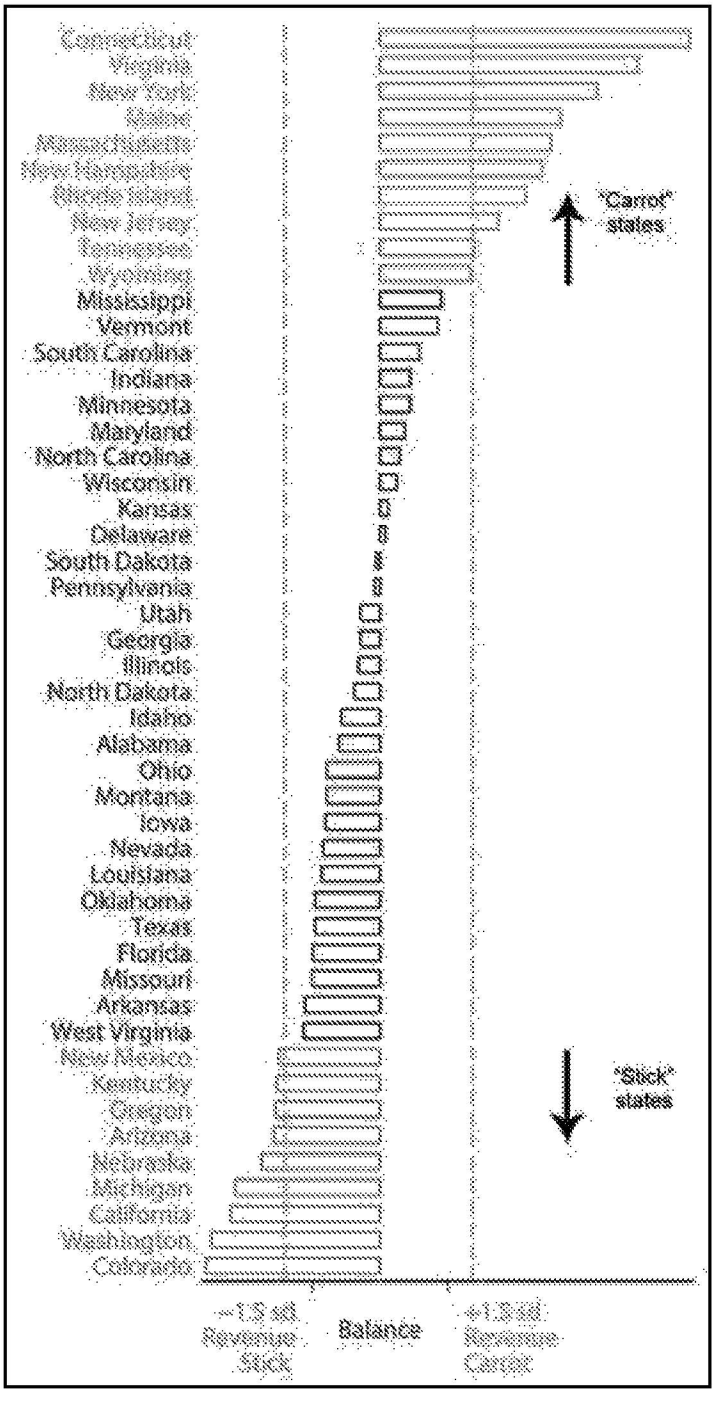
either altogether unencumbered by the absence of state TELs, as in Connecticut; limited only on the margins, as in Rhode Island or Tennessee; or limited via more aggressive TELs offset via significant funding from the state, as in Massachusetts.

Revenue stick states – such as Michigan, Colorado, Washington and California – are depicted in brown. These state governments (or state citizens via the referendum or initiative process) constrain the fiscal autonomy of local government officials rather than buttress it via state aid. An extensive body of research on the local effects of state-imposed TELs strongly suggests that revenue limits have worked: local own-source revenues have been reduced in the states that impose such limitations. Though there is some historical evidence that state legislatures in certain states have offset these limitations via state aid (Mullins and Joyce, 1996), revenue stick states tend to be far less generous in the allocation of intergovernmental revenue. All else being equal, we would expect the revenue capacity of local governments in these states to be constrained by their state context.

Michigan, for instance, has a TEL score well above the most recent annual state average, coupled with slightly below average state aid. The problem with local fiscal sustainability in revenue stick states such as Michigan stems from local governments' heightened reliance on state revenues, which in Michigan is a function of two large TEL ratchets and, in the post-Great Recession period, sharply declining property tax revenues. This high degree of dependency remains in place today. Yet, much like the way that Michigan's Proposition A has exposed critical local education funding to state budgetary battles (Cullen and Loeb, 2004), the state's unyielding property tax rate limits, coupled with special features of the Headlee Amendment that forbid the use of some alternative revenue sources employed in other states (e.g., income, sales and motor fuel taxes), have had the unfortunate side effect of essentially entwining local fiscal health with state legislative politics. As the state economy faltered under a one-state recession throughout much of the 2000s (Darga, 2011), the past decade has seen both clear declines in statutory revenue sharing and heightened levels of uncertainty over revenue-sharing rules (Lavelle, 2014, pp. 2-3).

Michigan's is a precarious fiscal context even for the most well-managed city government. It is particularly onerous for lawmakers in older, industrial cities such as Flint, which has been dealing for some time with sustained job and population loss, waning bureaucratic capacity, and increasingly daunting economic, social and physical challenges (see Doidge et al., 2015). In the words of one local official, if aid is reduced, "It's not rocket science ... pretty much raise taxes or cut services. That's what it boils down to" (McDermott and Powers, 2002, p. 12). Local lawmakers in a state such as Michigan, where they operate

Figure 5. Revenue "Carrot" and Revenue "Stick" States



with very limited discretion over revenue capacity, can boil it down even further: reduce or eliminate services or face the prospects of possible financial meltdown. All cities face political constraints on raising tax revenue. And certainly, some cities have managed their financial affairs in the face of economic decline better than others. However, for those seeking to fully grasp the nature of local fiscal health, we must continue to focus on ways in which states effectively create a mismatch between fiscal needs and available resources into their cities' local fiscal decision-making environment.

(2) Expenditure-side Pressures: Labor Costs and State Regulation of Local Public Employee Collective Bargaining

In addition to the revenue squeeze that some states impose on their local governments, state governments also impose a range of expenditure-side pressures that can drive up local costs.[18] As state governments continue to streamline bureaucracies and downsize operations, service burdens have been shifted onto local governments, often "without careful consideration whether this was the correct course" (Gold and Wallin, 1999, p. 73). As one prominent National League of Cities report argues (2003, p. 23), the transference of "program responsibilities from state and federal government, as well as the imposition of state and federal mandates, increase the roles and responsibilities of municipal governments, often without corresponding fiscal capacity or authority." Observers and analysts interested in the expenditure-side burdens that state policies place on local officials typically focus on the effects that costly mandates in areas such as health care and pollution abatement have on local government budgets (see Berman, 2003, pp. 77-83). Far less attention is paid to what we might call *de facto* spending pressures – the hidden but potentially damaging state-level decisions, policies and institutions that can destabilize local governments' fiscal capacity.

Consider, as we do in this report, local governments' large and increasing burden to pay for previously obligated labor costs. Labor costs, including wages and benefits for current employees as well as pensions and other postemployment benefits (OPEB) such as retiree healthcare, currently make up the largest category of operating costs for local governments. As pointed out in a recent MSU white paper (Scorsone and Bateson, 2013), municipalities were not required to measure the total costs of OPEB until an accounting standard was issued in 2004, with implementation beginning in 2007. Now that local governments have calculated and accounted for OPEB, many are faced with a massive commitment. Indeed, MSU's review of Michigan cities facing severe fiscal stress revealed that each city was confronted with a substantial unfunded OPEB liability (Scorsone and Bateson, 2013).

Though local government employee pensions and OPEB are seemingly always in the headlines, few seem to be asking why observers are more able to link labor costs to local fiscal distress in certain states than in others. Why do we hear so much about Michigan, Pennsylvania, California, Rhode Island and New Jersey? The answer, not surprisingly, is that, although city lawmakers are often criticized for overly cozy relationships with public employee labor unions (see, for instance, Gillette, 2014a; Rozansky, 2012; Greenhut, 2012), critical elements of employee benefit costs are structured by state law. State law may require bargaining by the employer, may provide only for a bargaining forum without requiring it or, alternatively, may simply prohibit collective bargaining altogether. State laws vary in the coverage of certain types of local employees. These rules address the types of items that may be bargained over, such as work rules, pay and benefits. Finally, the collective bargaining laws may include a process for dealing with impasses, such as binding arbitration rules. In line with the framework proposed at this report's outset, we view the mix of these rules as a set of processes and constraints that directly influence a municipality's fiscal capacity.

Table 1 places the local public employee collective bargaining environment of the contiguous 48 states into a five-category classification scheme ranging from very weak to very strong. (See the research approach appendix for a more detailed explanation of this measure.) As Table 1 makes plain, states vary with respect to the collective bargaining environment for local public employees. Not surprisingly, states with strong and very strong collective bargaining environments (e.g., those that impose a duty to bargain with strong union security provisions) have comparatively high union membership rates as well, with New York, Rhode Island, New Jersey, Connecticut, Massachusetts, California, Illinois, Oregon, Minnesota, Pennsylvania and Michigan each holding union membership rates in excess of 50 percent of state public employees. Unionization rates in weak and very weak states, such as Mississippi, South Carolina, North Carolina, New Mexico, Wyoming, Utah, Georgia and Virginia, on the other hand, tend to fall around 10 percent.[19]

State laws concerning pensions and health benefits illustrate, in part, how state-imposed structures affect city expenditure choices. Yet recent attention to employee compensation, pension system funding/underfunding and, especially, the cumulative impact of local government employee costs on current municipal cash flows have

18 This general phenomenon has been termed "second-order devolution" – meaning the transfer of program administration and/or substantive policy powers from the federal and state governments to America's cities and municipalities (see Bowman and Kearney, 2011).

19 Statistics from Union Membership and Coverage Database (see Hirsch and Macpherson, 2003).

brought these issues, in particular, into national focus. To be clear, we do not suggest that a non-unionized workforce is the key to a fiscally sustainable city. City governments must compete with other employers for workers, and rules governing bargaining are part of a state's larger labor culture. Our simple argument is that, in light of the sizeable role for local labor costs in local budgeting as well the implementation of new accounting standards, city governments operating within states with more permissive collective bargaining provisions are more likely to face budgetary constraints. It is easy to pin these constraints on lousy decision making, yet these constraints owe much to higher labor costs and the cumulative costs of payment decisions that are, to a large degree, governed by state policy.

(3) The State Context for Local Fiscal Distress: Tension Between Revenue and Expenditure Pressures

Analysis of the interplay of revenue and expenditure pressures allows for a more detailed assessment of the nature of the fiscal context in which states place their local lawmakers. We offer this analysis as something of a corrective to the typical perception that a city's financial destiny is either entirely within or entirely outside of its control. When assessing why certain local governments seem to respond more effectively to their financial problems than others, our research suggests that identifying on Figure 6 (see page 14) the state in which the city is located is a good place to start. The state's coordinates represent an empirical measure of the state context for local fiscal distress – meaning the tension for local lawmakers between state-imposed revenue-side pressures (captured on the horizontal axis) and state-imposed expenditure-side pressures (captured on the vertical axis).[20]

20 More technically, the horizontal axis captures our measure of the revenue pressures that states inflict upon their local governments (standardized TEL severity score minus standardized average per capita aid score). The vertical axis represents a standardized measure of public employee union coverage, an approximation of the severity of the average city's relatively fixed labor costs. The light gray shading represents the distance between one quartile above and one quartile below the median; thus states that appear outside these two intersecting ranges are quite different from average on both elements of the state context. Dark shaded points indicate state governments that authorize state intervention in financially distressed local governments.

Table 1. State Collective Bargaining Environments for Local Public Sector Employees

Collective bargaining environment	States		Brief description
Very strong	Illinois Minnesota Montana Ohio	Oregon Pennsylvania Vermont Wisconsin	Duty to bargain Strong union security provisions Strikes are permitted with qualifications
Strong	California Connecticut Delaware Maine Massachusetts Michigan	New Hampshire New Jersey New York Rhode Island Washington	Duty to bargain Strong union security provisions Strikes are prohibited
Moderate-mix	Florida Idaho Iowa Kentucky	Nebraska Nevada Oklahoma South Dakota	Some bargaining rights Weak union security Strikes are prohibited
Weak	Arizona Arkansas Indiana Kansas Louisiana Missouri	New Mexico South Carolina Texas Utah West Virginia Wyoming	Limited collective bargaining rights Right to work Strikes are prohibited
Very weak	Alabama Colorado Georgia Maryland Mississippi	North Carolina North Dakota Tennessee Virginia	Collective bargaining is prohibited Right to work Strikes are prohibited

Figure 6. Assessing the State Context for Local Fiscal Distress

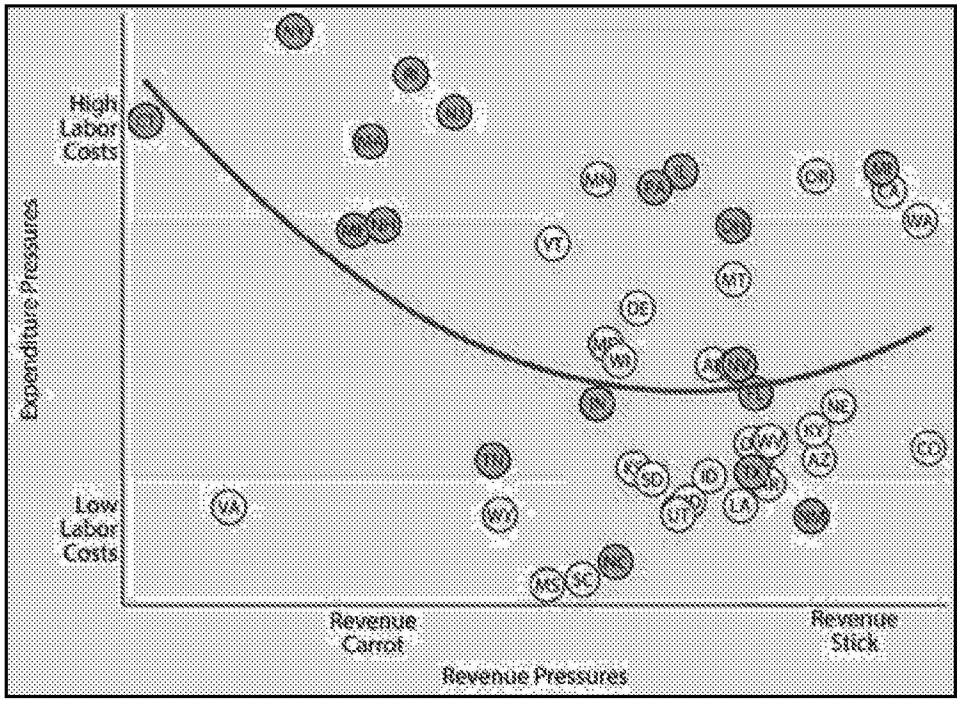


Table 2. Tabulating the State Context for Local Fiscal Distress

State-Imposed Expenditure Pressures	State-Imposed Revenue Pressures		
	Carrot	Balance	Stick
High	Connecticut Massachusetts New Jersey New York Rhode Island	Illinois Minnesota Pennsylvania	California Michigan Oregon Washington
Moderate	Maine New Hampshire Tennessee Vermont	Alabama Delaware Florida Indiana Iowa Kansas Maryland Montana Nevada Ohio Oklahoma Wisconsin	Arizona Colorado Kentucky Missouri Nebraska West Virginia
Low	Mississippi Virginia Wyoming	Georgia Idaho Louisiana North Carolina North Dakota South Carolina South Dakota Texas Utah	Arkansas New Mexico

If state-imposed revenue pressures increased with the severity of expenditure pressures, or vice versa, we would expect a positive "best fit" line (the dark curving line in Figure 6) moving from the lower left-hand quadrant to the upper right. As one might expect (or at least hope), these two elements of the state context tend to offset each other. States such as Colorado and New Mexico – i.e., more revenue stick states (local tax limitation increases outpace growth in the distribution of state aid) – avoid equally exacting expenditure-side pressures, at least when it comes to local labor costs. For states that do structure local collective bargaining in a way that favors higher local labor costs – such as New York, Connecticut and Rhode Island – these costs are at least partially offset by a more resilient and vibrant aid environment, coupled with limited own-source revenue restrictions.

The relationship between these two elements of the state context is negative, but it is not a purely linear relationship. Figure 6's most striking feature is its illustration that states placing extreme limitations on local revenue capacity (meaning they are more than one standard deviation above the state average on the horizontal axis) also tend to impose costly labor and service obligations (more than one standard deviation above the state average on the vertical axis). This relationship between revenue and expenditure pressures creates a best-fit line that resembles a backwards "J". This small handful of states that pull the line upward – which include Michigan and California – cluster in the upper right-hand quadrant of Figure 6. It is no surprise that acute financial emergencies have clustered in these states. We contend that they have structured local fiscal policymaking in a way that effectively incubates financial distress. Table 2 classifies the states in an effort to clearly represent the position of each of the lower 48 states along these two dimensions.

The threat of recurring structural deficits is "baked in" to the state-imposed legal and policy context in which local governments choose how to respond to fiscal problems. For lawmakers in America's older, industrial cities who must operate within these states, that choice is often not theirs to make. As we point out above, these states apply revenue and expenditure pressures on the front end, while also fostering a fiscal environment that exacerbates fiscal stress, links local fiscal health to budgetary battles, and all in all restricts the policy "space" for local fiscal policymaking. Michigan, however, is the only state among the incubators in the top right quadrant of Table 2 and Figure 6 that also intervenes "on the back end" by assertively implementing one of the nation's most powerful fiscal distress intervention policies (Anderson, 2011; Scorsone, 2014).

In light of the clustering of distressed localities within Michigan's borders, it comes as little surprise that Michigan lawmakers would value a policy that allows state officials to help struggling local governments meet conditions of chronic fiscal stress (Scorsone and Bateson, 2011; Doidge et al., 2015). However, as we discuss below, what is quite striking is the relationship between the policy's goals and design – which favors state takeover of local government – and the nature and underlying causes of the problem of acute fiscal distress. The financial consequences of deep-rooted economic and social forces are unlikely to be fully alleviated via temporary suspension of local self-government. Neither are the often overlooked but critically important state-imposed causes analyzed above. In what follows, we survey the state governments with more holistic and self-aware views of local financial distress in an effort to draw important lessons for Michigan lawmakers as they continue to struggle with chronic fiscal stress among the state's localities.

Section 2: If Takeover is the Solution, then what is the Problem? What Michigan Can Learn from the Ways in Which Other States Tackle Problems of Local Fiscal Distress

In the previous section, we make the case that state governments influence how local officials meet their financial problems via a combination of laws and policies that add or take away intergovernmental or own-source revenue capacity and drive up expenditure pressures via the allocation of policy authority over government functions and labor costs. In certain instances, such as when a state government caps property tax revenue and sets near insurmountable override standards, the effects of certain elements of the state context may be more or less direct. A city facing a near identical set of political, institutional, economic and social circumstances that operates in a neighboring state with no such revenue cap at least has the potential to capitalize on this capacity, assuming local political and economic constraints allow for the imposition of a property tax increase. But mostly the effects of this state context are more indirect. The policy balance between revenue restrictions and state aid, for instance, is not so much a direct measure of state policy choice as it is an outcome of a variety of state policy choices – e.g., revenue-sharing rules and formulae, the outcomes of citizen initiatives involving local TELs, legislative-executive budgetary processes, bureaucratic turf battles and so on.

Since as far back as the late 19th century, when the proliferation of railroad bankruptcies prompted states to take action to assist struggling localities (see Dimock, 1935 and 1940), state lawmakers, for fear that "a failing municipality will lower the credit rating of other localities and the state itself" (Berman, 2003, p. 113), have played a far more direct role in responding to local financial distress. The current menu of state policy options for intervening in distressed communities has been reviewed in two recent reports, one by Pew Charitable Trust researchers (Atwell et al., 2013) and a second by one of the authors of this report (Scorsone, 2014). One key shortcoming of these reports is the absence of detailed consideration of state context. Simply put, some states are part of the problem – they incubate financial distress via stringent restrictions on local revenue capacity and state policies precipitating local spending pressures. In other states, local policy options regarding the balance of revenue and expenditure flows are less encumbered by state policies and institutions. This diversity among state contexts is particularly important when reflecting on "best practices" for states dealing with acute local fiscal distress. For instance, close followers of issues of local finance often hear and read about North Carolina's strong oversight and monitoring mechanisms as standards to which state governments should aspire (see, for instance, Mattoon, 2014). But does it make sense for a state such as Michigan or New Jersey, for instance, to adhere to similar policy principles when local fiscal policymaking is structured in such dramatically different ways?

A second shortcoming of these reports is the dearth of detailed comparison among the 18 state governments that currently have an intervention policy. We refer readers to these reports for their quality in cataloguing the formal policy powers of state lawmakers on paper. Neither, however, is as useful at considering these policies in practice. This is a key tension in policy analysis generally and in instances of intervention in particular. The choice of the state's appointed and elected officials to employ the power they have at their disposal and intervene in a distressed community (often meaning the temporary suspension of democratic processes) presents a particular type of implementation dilemma imbued with questions of racial bias, social and economic imbalances, and the legal and political culture that guides state-local relations.

To fully assess the role of state governments in financial distress, we held a workshop for state government officials, analysts and experts with deep knowledge of state operations in local financial affairs. The Workshop on State Intervention in Distressed Communities, held in the fall of 2014 in Detroit, ultimately brought together a diverse group of 28 practitioners and policy experts from six states facing similar sets of local fiscal problems: Michigan, Rhode Island, New Jersey, Pennsylvania, New York and Ohio.[21] The appendix provides a detailed overview of the structure of the event and the types of discussions that were held.

Our primary goal was to provide a venue facilitating the open exchange of ideas and techniques for approaching the complicated problems facing cities in fiscal crisis. Indeed, as we discuss below, one recommendation of this research

21 This portion of the process focused specifically on how states approach intervention. Though many of the participants in the workshop were intimately involved in making decisions at the city level, we intentionally chose participants representing the state perspective rather than that of local decision makers.

report is to continue to advance this and similarly minded endeavors as a means of facilitating what Peter May (1992) refers to as "instrumental policy learning," which can improve state officials' understanding of the benefits and limitations of particular policy approaches or administrative designs. A second goal centers on learning more about the states' implementation processes for deciding whether to designate a city in distress, take it over temporarily or, in the most extreme cases, help shepherd its path to municipal bankruptcy. Our final goal was to investigate the types of "causal stories" (Stone, 2011) that state officials and experts used when considering the fiscal conditions facing their local governments. We held structured discussions about how the problem of local fiscal distress is defined (i.e., who or what bears the responsibility) and the ways in which state governments enshrine this problem definition via the design and implementation of financial emergency policies.

In what follows, we begin with a brief outline of Michigan's approach to local financial emergencies, paying special attention to linkages between the state's policy solutions, the nature of fiscal stress in Michigan's municipalities and the "front-end" context identified in Section 1. We then turn to alternative approaches employed in other key states. We begin with North Carolina, a state whose Local Government Commission, which administers the policy for dealing with financially challenged communities, has received a great deal of national credit. We then move to states facing more comparable sets of local conditions – i.e., with many older, industrial and fiscally vulnerable local governments suffering from population and job loss – that also have a history of state intervention in fiscally distressed communities. The goal here is not comprehensive overview. Rather, we set out to identify key dissimilarities with the new generation of intervention policies – of which Michigan's current policy is the poster child – and to illustrate how state governments facing similar sets of challenges can more effectively align their policy regarding direct involvement in fiscally distressed communities with the nature of problems that these communities face, as well as with state-imposed constraints that hamper their capacity to balance revenue and expenditure flows.

We designed Table 3 (see page 18) to help guide this discussion. The first two columns summarize the state context analyzed in Section 1 of this report. The four rightmost columns depict information summarizing the design and administration of the state's local financial emergency policy. The column labeled "causal story" reflects our assessment of how a state government, via its legislation of state intervention, comes down on the debate over the causes of local financial failure. For some states, the focal point is internal causes – poor management, the incompetence of local leaders, political corruption, the dominance over policymaking by narrow interests, and/or "antidemocratic" structures and processes that favor the whims of local officials over the needs of local residents (Gillette, 2014b). Other states focus on forces external to local management – i.e., socioeconomic conditions that are at once causes and symptoms of diminishing local service capacity and resources (see Kimhi, 2008), such as high and concentrated poverty, older building stocks, residential vacancies, high crime, deep-rooted regional changes, population loss and job loss. The column labeled "policy approach" captures the gist of the state's approach to financially distressed communities and reinforces the causal theory behind the policy's design. We also include information on the administration of the states' policies. Here the focus is on the powers of key administrative actors and their bureaucratic location. In line with a great deal of research on policy analysis and the policymaking process, we structure Table 3 in a way that suggests that key state decisions on goals, administration and implementation flow from how responsibility for the problem is assigned – i.e., the causal story (see Stone, 2011, p. 206). This information is provided for the six states that were represented at the Detroit workshop – Michigan, Rhode Island, New Jersey, Pennsylvania, New York and Ohio – as well as for North Carolina, a state that frequently gains attention for the effectiveness of its intervention policy.

(1) Michigan's Local Financial Stability and Choice Act: A Brave New World for State Intervention

The tenets of Michigan's intervention policy have been well-documented in research reports and news media. After the governor declares a fiscal emergency,[22] four possible courses of action are available to a municipality,[23] though local takeover by an emergency manager (EM) is the most common course of action. This allows a state-appointed manager to "act for and in the place and stead of the governing body and the office of chief administrative officer of the local government" and effectively grants this individual powers beyond those available to local officials.[24] Not only does he or she become responsible for all local fiscal decisions, including development and implementation of a recovery plan (which must be approved by the state treasurer), but the EM can also modify existing collective bargaining agreements, negotiate new union contracts and make personnel changes. The EM can also explore the option of consolidating services with another government entity, sell municipal assets and ask voters to increase the tax rate. The EM remains in this role until the city reaches certain benchmarks within its recovery plan, and a

22 A series of triggers are in place and one must occur – e.g., failure by the local unit of government to pay creditors or make timely pension contributions – prior to a state review of a local unit's finances

23 Consent agreement, emergency management, neutral evaluation or municipal bankruptcy.

24 141.1549, Sec. 9.

Table 3. Intervention Policy in the Context of State-Local Fiscal Relations

State	State Context		Local Financial Emergency Policy			
			Design		Administration	
	Revenue Pressures	Expenditure Pressures	"Causal" story	Policy Approach	Agency/Govt. Branch	Responsibilities
Michigan	Revenue stick (top 5%)	High (top 20%)	Management (internal)	State-appointed manager furnished with broad tools to restore solvency (mostly on spending side) once distress occurs. Michigan typically does not intervene in local fiscal affairs until a fiscal emergency is recognized. There is no program of prevention.	Governor Department of Treasury (Office of Fiscal Responsibility)	Declaration of financial emergency and appointment of powerful emergency manager. Monitor emergency management process and approve certain decisions.
New Jersey	Revenue carrot (bottom 10%)	High (top 5%)	Socioeconomic factors (external) Management (internal)	Support distressed communities. When/if cities enter distress, the state makes available monetary and technical assistance.	Department of Community Affairs (Division of Local Govt. Services)	Monitor and approve local budgets, certain debt and capital investments; approve of additional aid; advocate for local government interests.
New York	Revenue carrot (bottom 5%)	High (top 1%)	City specific	Generate city-specific solutions. The legislature designs and enacts a specific policy for each city in distress. Prevent distress from occurring. The comptroller's office has designed an extensive monitoring system, staffed by many state auditors, to help local officials stave off financial emergency.	Legislature Office of the State Comptroller Governor	Legislate and adopt city-specific legislation, including establishing local control board. Preventive monitoring of all local budgets and administration of fiscal monitoring system. Appoint local control board.
North Carolina	Balance/lean carrot (bottom half)	Low (bottom 5%)	Management (internal)	Central control prevents distress. North Carolina has a highly centralized system designed to prevent risky decision making and borrowing by municipalities.	Department of Treasury (Local Government Commission)	Review audits, monitor local fiscal health, approve and settle local debt issues, require remediation plan.
Ohio	Balance/lean stick (top 40%)	High (top 25%)	Management (internal)	Support local control. Ohio intervenes at the request of local officials; recovery plans are submitted by local officials.	State Auditor (Local Government Services Division)	Train local officials, audit local budgets, classify distressed communities.
Pennsylvania	Balance (bottom half)	High (top 20%)	Socioeconomic factors (external) Management (internal)	Helps troubled communities "help themselves." Even in receivership, aims to address causes and prevent relapse, though communities may be unable to exit the state process because of systemic barriers.	Dept. of Community/Econ. Development (Center for Local Government Services)	Place cities under receivership, distribute financial aid to distressed cities, monitor fiscal status of cities.
Rhode Island	Revenue carrot (bottom 15%)	High (top 5%)	Management (internal)	Restore solvency and prevent further decline once distress is imminent. Rhode Island has a strong receivership policy. It also offers additional assistance to cities approaching distress to help prevent full-fledged crisis.	Department of Revenue (Division of Municipal Finance)	Monitor all local governments, aid governments in or at risk of distress; appoint receiver.

receivership transition board is appointed by the governor to assist in transition until the official termination of receivership.

The structure of Michigan's successive intervention laws and the powers granted to the emergency manager point to a particular type of causal story – local government mismanagement as the chief barrier to fiscal solvency. The state's solutions and assistance all center on correcting local decisions that led to chronic budget shortfalls, and the main focus of Michigan's law, which is administered by the Department of Treasury, is to ensure a balanced budget. Efforts to achieve short-term fiscal solvency typically center on reductions in cities' financial obligations – e.g., cutting pension obligations, making personnel cuts and contracting out services traditionally provided by local governments. EMs and other state officials have little leeway to affect the revenue side of local governments' ledgers. As Anderson (2011, p. 620) argues, the viewpoint being expressed by the design and implementation of Michigan's policy is "that the current revenue picture of the city is adequate to provide for public safety, debt service, and other core expenses—if only ... the city had competent management." Indeed, little or no financial support accompanies state takeover. This is a telling feature of the state law that sheds considerable light on both the degree to which the policy oversimplifies the causes of local fiscal distress and the mismatch between the administrator's toolkit and the nature of the problem.

To respond to the question at the outset of this section: if takeover is the solution, the problem is mismanagement. Michigan codifies this causal story in a way that is less adulterated than in any other state we have surveyed. In other words, the state has adopted and codified a vastly oversimplified story. Even Rhode Island, which granted similarly sweeping powers to its state-appointed emergency managers, offers additional assistance to cities approaching distress to help prevent full-fledged crises. The state has also seen EMs (called "receivers") raise local taxes to generate more local revenue. This less than favorable assessment of Michigan's policy is buttressed by the absence of emergency bailout funding, a traditional feature of the more aggressively implemented state intervention policies (Berman, 1995; Anderson, 2011), as well as meager revenue-raising powers. EMs are empowered to tackle city expenditures as a means of bringing local budgets into equilibrium, but revenue-raising powers are effectively more limited than the powers normally afforded a city's mayor or council member. As has been pointed out elsewhere, for cities such as Flint, Ecorse, Benton Harbor and Pontiac, this is a gross oversimplification of the structural barriers to fiscal sustainability (Doidge et al., 2015). Our aim in this report is not to disprove the notion that mismanagement is the cause. We merely point out that the policy's design and implementation features devalue the considerable constraints that the state places on the revenue capacity of local officials.

(2) The Limited Applicability of "Best Practices": Why Adoption of North Carolina's Policies Won't Work for Michigan

The reentry of Michigan's cities into emergency management and the number of local governments and school districts in trouble have led to suggestions that Michigan should look elsewhere for answers.[25] A Pew Center on the States report suggests that North Carolina's monitoring system has prevented fiscal distress despite a history of crises during the Great Depression and some of highest unemployment rates in the country (Pew Charitable Trusts, 2013).

The Local Government Commission, a division of the North Carolina Treasury Department, reviews cities' independent audits on key fiscal health indicators, particularly the level of fund balance. If a locality fails to meet a specific threshold, it is placed on the commission's watch report and required to submit a plan of improvement. If local officials are unable to return the municipality to an acceptable level on their own, the commission assumes control of all local financial decisions, including taxing issues, until the problem is corrected. Additionally, the commission approves and sells all local bonds for public structure investments, which both increases the level of state oversight and reduces the potential for local mismanagement of debt. Bond agencies assign a premium to this monitoring system, considering it a model system (Coe, 2007).

Features of North Carolina's approach provide intriguing options for Michigan lawmakers, such as a codified, professional state office and extensive front-end monitoring to identify potential crises. However, evaluating these policies in isolation – i.e., in the absence of key contextual factors – is likely to overstate the potential success of North Carolina's policies if they were to be enacted in Michigan.

For instance, according to the U.S. Census Bureau, in 2007, North Carolina had 548 municipalities, no other local general-purpose governments and 100 counties; Michigan had 533 cities and villages (municipalities), 1,242 townships and 83 counties. A consequence of Michigan having three times as many local governments as North Carolina is that the volume of reports that would need to be reviewed for monitoring purposes would be three times as great.[26] Certainly this would require more resources devoted to oversight at the state level, thus putting additional stress on the state budget.

The states differ greatly on other dimensions of the elements of state context identified in Section I. North

25 http://www.crcmich.org/PUBLICAT/2000s/2000/memo1053.pdf.

26 This does not include the additional resources that would be required to monitor school districts, special districts or other governmental units.

Carolina has an obligatory state pension system; Michigan does not. In 1947, North Carolina declared it illegal for local governments to bargain with unions.[27] Conversely, Michigan's local governments have a strong history of collective bargaining and excluded police and fire unions from 2012's right-to-work legislation. Tax and expenditure limits, when averaged from 1970 through 2005, rank Michigan as the third most restrictive state in limits placed on local governments. North Carolina is 38th – a property tax rate limit on counties and municipalities, set in 1973, has remained its only TEL.

The differences in the state policy context between the two states suggest that Michigan should be cautious when drawing lessons from North Carolina as its model for intervention policies. We attribute North Carolina's success in preventing municipalities from entering distress not to the design of its specific intervention policy but rather to a much tighter link between its policy approach and the state-imposed context for fiscal distress.

(3) Rebuilding State-Local Partnerships: Key Insights from Rhode Island, New Jersey, Pennsylvania, New York and Ohio

One of the more striking findings to emerge from our workshop and subsequent research is the difference between Michigan's approach to local fiscal distress and the approaches of comparably situated state governments. These differences are laid bare in Table 3. Plainly put, state policies and institutions effectively incubate budgetary imbalances; yet lawmakers and administrators have ignored potential front-end damage when designing the policy aimed at helping communities in distress. Rhode Island, the state most comparable to Michigan in the priorities of its intervention policy and the powers granted to state receivers, also provides financial assistance to municipalities most in need, targeting aid to communities with a high property tax burden relative to taxpayer wealth through the state's Distressed Communities Relief Fund thus buttressing the revenue capacity of its local governments.[28] With respect to this specific aspect of state context, Rhode Island generally provides higher levels of state aid.

New Jersey and Pennsylvania: A More Comprehensive View of Local Financial Failure

Beyond Rhode Island, Michigan lawmakers have a variety of states from which to learn about the viability of policy alternatives. New Jersey and Pennsylvania have enacted receivership laws that are quite different than Michigan and Rhode Island. Internal mismanagement is not eschewed entirely; rather it is considered alongside the external, structural dynamics with which local lawmakers must contend. This more holistic causal story both reinforces and is reinforced by choices that these states have made regarding implementation and administration.

New Jersey's policy of assisting cities during times of financial crisis originated in the Great Depression. Since that time, the state has built support within its bureaucracy to review and approve city budgets and offer financial and technical assistance as needed to prevent cities from entering bankruptcy. Rather than appointing a state-level official to take charge of a city`s finances (such as an emergency manager in Michigan),[29] New Jersey seeks to assist local officials in alleviating distress. This partnership is reflected in the mission statement of the New Jersey Division of Local Government Services (DLGS), a division of the Department of Community Affairs. It states that the DLGS "serves as an advocate for local Government interests," provides assistance and is responsible for "financial integrity." The DLGS provides advisory services to local governments, both once the community is identified as distressed and on request of the municipality, and also licenses and educates local officials.

Not surprisingly, these two services help establish a partnership between state and local officials independent of the financial position of the municipality. The state requires that all local government budgets and certain financing and purchases be approved by state agencies.[30] The budget review is conducted by department staff members (many hired short-term annually) and is made easier for local units of government by state-provided training and consistent reporting requirements. When these preventive actions fail to ward off systemic financial issues, the state begins a more involved intervention. The community is first placed on a watch list, at which point the state generally channels additional monetary aid to the struggling government. The state also uses its Qualified Bond Act Program, which requires state approval to bond or make capital expenditures, to ensure stability and prevent default. This program can capture and stall state aid for payment of debt services. At the same time, DLGS offers technical assistance to cities to help them solve underlying problems that contribute to fiscal distress.

The most notable example is the consolidation of the Camden police force in 2010. The mayor terminated the entire city police force and contracted with the county to provide those services, with the guidance and support

27 N.C. Gen. Stat. 95-78 to 84 (http://www.nrtw.org/right-work-states-north-carolina).

28 Established in 1990. Municipalities that fall in the bottom 20 percent of three of the law's four indices qualify to receive state aid under the law. In the 2014 fiscal year, seven municipalities received funding through this legislation, a total of $10.4 million

29 Until recently, when Atlantic City was declared to be in fiscal distress and an emergency manager was appointed.

30 Procurements over $5 million must be reviewed by the comptroller, and those over $10 million must be directly approved.

of state officials.[31] Camden illustrates the cooperative efforts of various levels and sectors of the state and local governments. It highlights that preventive efforts to maintain or restore fiscal sustainability are not always sufficient, but that a collaborative approach can assist cities and the state through difficult political decisions. New Jersey's approach indicates that the state views itself in partnership with local governments, with a responsibility to provide a check on risky financial decisions but also to provide ongoing financial assistance to struggling communities.

In contrast to New Jersey's hesitance to use direct state control, Pennsylvania's Act 47 allows the state to place fiscally distressed communities in receivership under the direction of the Center for Local Government Services in the Department of Community and Economic Development. Once a municipality has been placed under receivership, local government officials must have the majority of their decisions confirmed by the receiver, and the receivership board may implement cost-saving or revenue-raising strategies unavailable to local officials. The board has the ability to raise taxes above the legal maximum but has no additional powers in collective bargaining. Principally, the receiver acts as a liaison between the local government and others to improve the financial integrity of the city and is typically able to broker additional state funding for the distressed community. In Harrisburg's recent financial descent, for instance, the receiver was able to facilitate $25 million of revenue to fund a non-profit that would provide infrastructure and economic development.

Receivers in Pennsylvania tend to take a comprehensive view of local financial difficulties as they work with the state to look for alternative partnerships and unique revenue-enhancing and cost-sharing schemes. Proposed financial recovery plans often include recommendations that will improve local governments' economic positions in the future. This approach extends through the process of recovery. It requires more research, more interactions and coordination between parties, and more time to allow for business adjustments and industrial reorganization. Furthermore, it includes a period of weaning cities off the additional funding to which they had access during their most trying times. To officially exit Act 47, cities must follow an extensive process that includes hearings and the department director's signature. As a result, Pennsylvania has had only seven of 28 distressed communities officially conclude the process. Allowing cities to remain in a system with additional structure and support illustrates Pennsylvania's acknowledgement that factors outside of local control contribute to fiscal issues, and that the state has some role in providing additional support.

In all, intervention policies in New Jersey and Pennsylvania are administered by state agencies dedicated to working with local governments. State personnel are involved with municipalities well before distress, and they have resources and authority to assist municipalities. Though administrators are afforded the statutory authority to assume greater control over city finances, this is not the only facet of their relationship with local governments.

New York and Ohio: The Benefits of Monitoring

Similar to New Jersey and Pennsylvania, New York has established a system that supports state and local cooperation and information sharing. As local fiscal crisis deepens, the state becomes more involved in local political and operational affairs. The state's policy approach to local fiscal emergencies is ad hoc\ (rather than multijurisdictional), allowing lawmakers to survey the specific causes of distress for a given community and legislate solutions in line with these problems.

As is well-documented, New York's history of fiscal intervention begins with New York City's near bankruptcy in 1975. Naturally, a crisis of that magnitude spurred state action, but since that time, New York has not been plagued by chronic distress. This is due in part to cities' ability to increase revenues without legal restriction (until 2014, when the state imposed a cap on property tax increases). Additionally, many New York communities have avoided the economic peril that results from a loss of major industries and subsequent economic restructuring.[32] This history is evident in the state's view of municipal distress as an unusual and unique instance that requires customized solutions. New York provides gradual intervention and individualized approaches to distress, with the decisions and the process supervised by state elected officials – the governor, the legislature and the comptroller.

In addition to customized intervention approaches to distressed cities – which could violate the constitutions of states that disallow special legislation – New York is also heavily involved in monitoring the fiscal position of its local governments. The state's Local Government and School Accountability (LGSA) unit of the Office of the State Comptroller operates the Fiscal Stress Monitoring System, which reviews annual financial data of local governments to determine whether each government is facing significant, moderate or probable fiscal stress. Municipalities must submit audit reports, which are reviewed and in some cases conducted by approximately 200 auditors.[33] From annual reports, budgets and audits, the LGSA creates local fiscal measures for benchmarking, trend analysis and

31 Returning to the role of other state policies in distress solutions, this action would not have been possible without particular provisions within union and employee contracts that allowed for such termination of individual employees.

32 Buffalo was an exception and did necessitate intervention proceedings. It should be noted that Buffalo is one of only four New York local governments responsible for operating its own school district.

33 These 200 employees review audit reports of school districts and other local governments as well as municipalities.

general monitoring over time and across local government types. State auditors are also deployed to work with local governments. As a result, state officials may use knowledge of community nuances in evaluating local deviations from sound fiscal indicators and state trends. Such specialization is particularly useful as state intervention becomes necessary.[34]

If a local government is identified as financially unsound, the state must pass special legislation to institute a local control board for the municipality to engage in the formal intervention process. After a local control board is created, primary authority over the struggling municipality is transferred from the comptroller's office to the governor-appointed board.

Each board, by the nature of the process, has different powers. Previous boards have overseen proposed local budgets and set personnel policy, and were granted the final authority to initiate bankruptcy proceedings.[35] That the boards have had no additional taxing authority, ability to renegotiate previous collective bargaining agreements nor authority to make unilateral budget decisions reflects the state's emphasis on local autonomy.

The boards have been particularly useful in coordinating intergovernmental solutions. For instance, the Buffalo Fiscal Stability Authority (BFSA) was established in 2003. It helped Buffalo manage its additional school district responsibility and restructured the city's pension and health insurance plans by joining the respective state-level systems. Finally, the BFSA brokered an arrangement for city parks to be managed at the county level and for 16 libraries to close. Despite the local knowledge and intergovernmental efforts, it took nearly nine years for Buffalo to exit receivership and for the BFSA to transition into an advisory role. Policy specifies that the BFSA will serve in this role until 2037, and the city may revert to full receivership if financial indicators show distress.

At the state level, New York vests its relationship with local governments and the power to intervene in elected officials – the governor, the comptroller and the legislature. This separates the state's ongoing monitoring from its intervention, and though it raises the legislative barrier to intervention by requiring the crafting and passage of legislation, it also provides public accountability and a system of checks and balances. The ability to draft city-specific solutions allows New York to address management issues, economic conditions and the impacts of the state context in different ways in each city, ideally assisting the community to long-term stability.

Ohio, like New York, faced a fiscal crisis in its largest city in the 1970s. Cleveland's default on short-term notes in 1978, which made it the first municipality to default since the Great Depression, led Ohio to develop a comprehensive policy designed to prevent and, if necessary, intervene in distressed cities (Pew Charitable Trusts, 2013; Levine, Scorsone and Justice, 2013). No municipality has defaulted since Cleveland, but Toledo, East Cleveland and other municipalities have entered fiscal emergency status, particularly once the Great Recession exacerbated declining revenue bases and expenditure pressures.

Ohio's Local Government Services Division, located in the state auditor's office, is responsible for training local officials and auditing local budgets. Chapter 118 of the state code,[36] which deals with local fiscal emergencies, grants the Local Government Services Division (the auditor) responsibility for categorizing distressed communities for fiscal caution, fiscal watch or fiscal emergency. The categorization system signals to local officials, bondholders and other stakeholders the extent of the local government's fiscal stress and the ease of financial recovery anticipated. It serves as a useful continuum of distress, recognizing that failing to pass one indicator of financial soundness may not require the same actions as a community failing multiple triggers. Each category has an increasing level of oversight (i.e., requirements for audit depth and financial plan proposals). Once fiscal emergency is declared, an advisory board is created.

Under all three distress categories, local governments are required to submit recovery plans to the Local Government Services Division. If a local government is not compliant with its recovery plan, the only penalty is movement to a higher designation of fiscal distress. It is not until a municipality reaches the fiscal emergency status that penalties are imposed.

As part of the fiscal emergency proceedings, municipal officials must submit a recovery plan to the recovery board for approval. If a plan is not submitted or the local government fails to adhere to a plan, the Office of Budget and Management is supposed to suspend all state funding to that municipality,[37] though this penalty has never been fully enforced.

34 Ultimately, any distressed community implements solutions that are specific to its condition. A universal policy prescription is to reduce expenditures. However, no universal prescription can be made on what account specifically should be limited and in what way. Knowledge of exact inefficiencies, redundancies, slack and so forth is necessary to act. If outside agents are to advise on such actions, their already having some knowledge of the particulars of the city will allow for more expedient and implementable recommendations.

35 Control boards are not granted this authority for New York City.

36 The other elements comprising the law became effective, were revised or added in 1996, 1999, 2001 and 2002 – http://codes.ohio.gov/orc/118 (pdf). The state's approach is consistent with the autonomy allowed Ohio's local governments. Section 118.02 (B) of the state code states that, "[t]he intention...is to enact procedures, provide powers, and impose restrictions ...while leaving principal responsibility for the conduct of the affairs...in the charge of its duly elected officials." The effort to maintain local autonomy is demonstrated by the fact that the review process of the Local Government Services Division is initiated by request of local officials as well as at the suggestion of auditors.

37 Although individuals receiving direct state welfare within the community's borders continue to do so.

Ohio, like other states, struggles with assisting communities to achieve permanent fiscal stability. The city of East Cleveland was under fiscal emergency for 18 years. Exiting the process failed to mark long-term sustainable success – East Cleveland was once again placed under fiscal emergency. In late 2014, it was considering entering into bankruptcy proceedings,[38] and the city's mayor filed a petition seeking a merger with the city of Cleveland in the summer of 2015.[39]

Ohio, like Michigan, illustrates the issues that arise when a state's solution (intervention policy) does not match the causes of distress (context). Local officials retain control of decision making and the plan to resolve distress, but they and the state agency responsible for intervention lack the authority or resources to address the root causes of distress or to circumvent the pressures that the mix of state policies adds to local fiscal policymaking processes.

38 http://www.morningjournal.com/general-news/20141226/east-cleveland-considers-bankruptcy.

39 http://www.cleveland.com/cityhall/index.ssf/2015/07/east_clevelandmayor_gary_nort.html.

Section 3: Conclusions and Recommendations

In the previous sections we identified the ways that broad state policies limit or enhance the local governing options and the ways that states with intervention policies match their approach to local financial distress with the reality of city operating environments. Here we conclude our analysis with conclusions and practical recommendations to assist the C.S. Mott Foundation, state and local officials, and Michigan residents in identifying a more effective approach to local fiscal crises.

(1) Conclusions

There is no single model policy for state intervention in distressed cities or for prevention of fiscal distress. Changing Michigan's fiscal intervention law to replicate that of another state would likely provide little improvement for Flint or other cities facing fiscal crises. There is no "best practice" for state intervention in cities. What Michigan can learn from other states and our research is that removing and repairing mismanagement addresses only one cause of fiscal distress. Bringing a structurally imbalanced budget back into balance is an important step to assist cities like Flint, but a policy that does not address a state's unique system of revenue, tax and expenditures, and labor policies may not help cities truly escape financial trouble over the long term. States must decide which legal and political tradeoffs they are willing to make to support city fiscal health. Michigan must also recognize that, in comparison with similar states, it provides a particularly difficult environment for its cities.

Municipal fiscal distress is not just a local problem. State policy choices set the boundaries for local action and the conditions under which cities receive assistance. It is not surprising that these conclusions do not point to simple solutions, executable at the local level. Changing any one part of the state context is politically challenging, and it would be impractical to recommend major policy overhauls of Proposal A, the Headlee Amendment, collective bargaining rules and state revenue sharing. Ideally, Michigan would adopt a more balanced approach to its local governments' fiscal needs, but we are aware that this is unlikely in the short term because of both political will and the high barriers to changing constitutionally enshrined rules. Instead, we offer recommendations that balance improvements that would better support cities in fiscal distress with political feasibility.

(2) Recommendations

Create a state agency that coordinates services to local governments and offers technical support and fiscal monitoring. Establishing a formal place within state government that is responsible for ongoing, cooperative work with local governments on fiscal stability and other issues would help create a partnership and culture of trust between the state and its municipalities. The Department of Treasury does provide some of these services on an individual basis via the Office of Fiscal Responsibility (OFR), but the OFR does not have the resources necessary to provide a comprehensive system of support to all of the state's local governments.

It is important that whatever agency is created be empowered with human resources to sufficiently provide service; financial resources, separate from the state's revenue sharing to local governments, to offer special assistance where needed to communities facing challenges or distress; and a position within the state departmental structure that allows it to be taken seriously when recommending policy and working with other departments to assist local governments. The examples of offices in the other states in our study may provide elements of the agency's design, but the office should be built with Michigan's particular context and culture in mind. It may be appropriate to expand the OFR in its current position, but moving the office to another department, establishing it as a stand-alone agency and other potential structures should be evaluated as well.

Raise awareness among citizens and state decision makers that the causes of fiscal distress are not solely at the local level. Flint is an example that can illustrate this point as the C.S. Mott Foundation and city leaders communicate with the public and state officials. As the city emerges from state control, the budget is balanced for the short term, and the transition advisory board is in place to monitor management and compliance with the plan. Yet revenue projections show the city likely facing a structural deficit in the next five years with little available to cut from the budget. State control has reasonably removed management problems as the cause of deficits, yet the city's fiscal health remains precarious. A focused communications effort highlighting the combined effects of Michigan's expenditure, revenue and labor policies could help broaden the discussion of fiscal distress in the state and create awareness that this is more than a local problem. Rather than being the exception, Flint may be the harbinger of what is to come for Michigan's local governments without changes at the state level.

Appendix

Section 1

The following table lists the key concepts that make up core elements of the state context for local fiscal distress, our empirical measure of the concepts, and the data we brought to bear to generate these measures.

Concept	Measure(s) – by Figure/Table	Data
Revenue Pressures		
State Aid Environment	**Figure 1**: Annual average of per capita state aid in real 2005 dollars to three (population) classes of U.S. cities: (1) population > 100,000; (2) population between 25,000 and 100,000; and population between 5,000 and 25,000. Years: 1970 to 2005. **Figure 2**: Annual average of per capita state aid in real 2005 dollars allocated by each of the 48 contiguous states for the years 1970 and 2005.	U.S. Census Bureau. Annual Survey of State and Local Government Finances and Census of Governments (1970-2005). See: http://www.census.gov/govs/classification/
Tax and Expenditure Limits	**Figure 3**: Annual count of state adoptions of five types of TELs, 1970 to 2005. **Figure 4**: State TEL severity score for 1970 and 2005. Severity score indexes six key characteristics of state-imposed TELs: (1) the type of TEL; (2) if the TEL is statutory or constitutional; (3) growth restrictions; (4) method of TEL approval; (5) TEL overrides and exemptions; and (6) method of override.	Amiel, Deller, and Stallmann (2009). http://www.aae.wisc.edu/pubs/sps/pdf/stpap536.pdf
Revenue "Carrot" and Revenue "Stick"	**Figures 5 and 6 and Table 2**: Displays policy distance between state aid environment and state-imposed TEL restrictions. State aid and TEL z scores were calculated for each state year. (These standardize the relationship to the average of all states and all years and represent how many standard deviations a score is from the average.) The aid measure is per capita state aid in real 2005 dollars for cities with populations over 5,000. The TEL measure is the TEL severity score described above. These scores were then differenced (Aid_z minus TEL_z in Figure 5; TEL_z minus Aid_z for Figure 6 and Table 2) to create the distance measure. The values displayed are the average distances from 2000 through 2005. Carrot states are 1.5 standard deviations above the mean difference; stick states are 1.5 standard deviations below the mean difference.	**Aid**: U.S. Census Bureau. Annual Survey of State and Local Government Finances and Census of Governments (1970-2005). **TEL**: Amiel, Deller, and Stallmann (2009).

Expenditure Pressures		
Collective Bargaining Environment and Labor Costs	**Table 1:** Five-category classification scheme, ranging from Very Weak to Very Strong. The collective bargaining strength of local police, local fire fighters, teachers, and "other" local employees – the four main functional areas of local public employment – are measured along three dimensions: (1) collective bargaining rights for local public employees, ranging from "Duty to Bargain" to "Collective Bargaining Is Prohibited"; (2) Union Security Provisions via the existence of a Right-to-Work Law for local public employees; and (3) Strike Policy Provisions. **Figure 6 and Table 2:** Public sector employee union membership as a percent of all public sector employees in state, 2000-2014. Z scores were calculated to standardize the relationship to the average of all states over this 15-year period. The score represents how many standard deviations a state's percentage is from the average state.	**Collective Bargaining Environment:** NBER Public Sector Collective Bargaining Law Data Set. Valletta and Freeman - original (1988); Rueben - update (2000). See: http://www.nber.org/publaw/ **Labor Costs:** Hirsch and Macpherson. (2003).Union Membership and Coverage Database from the Current Population Survey: Note. See: http://unionstats.gsu.edu/CPS%20Documentation.htm

Section 2

We invited three types of individuals to participate in the Workshop on State Intervention in Distressed Communities held at Detroit's Greektown Hotel and Casino October 16-17, 2014: individuals who were formally involved in various elements of state intervention policy design and implementation, those involved in local fiscal distress and bankruptcy from a legal standpoint, and policy experts and researchers. The following table classifies the participants.

State/Affiliate	No. of Participants
Michigan	4
New Jersey	1
New York	1
Ohio	1
Pennsylvania	1
Rhode Island	1
Attorney's, private practice	2
Unaffiliated policy experts	3
C. S. Mott Program officers	2
Local finance professionals	2
MSU researchers	2
MSU research team	5

The following table provides a detailed agenda of the workshop proceedings:

Session Title	Outline
Setting the Context	Surveying the causes and consequences of local fiscal distress, with particular attention to the relatively weak position of local governments in the U.S. federal system: • Review of structural, economic, fiscal, intergovernmental, institutional, and political causes • Local governments' response to fiscal distress • State policies/institutions' role in local fiscal capacity • State policies designed to help local governments meet their financial problems
State Intervention in Distressed Communities: The View From Michigan	An in-depth view of Michigan's approach to local fiscal distress through the eyes of those closely involved in the policy's design, implementation, and evolution
A Deep Dive Into State Intervention: Policies on Paper v. Policies in Practice	A structured dialogue about the participants' experiences with key elements of state intervention. • *Stage 1: Getting in* Where and when is pre-intervention support offered? How are distressed localities identified? When and how do local governments enter the program? How are decision criteria applied? • *Stage 2: Developing a plan* Who carries out the intervention? What actions may these actors take? What are the specific goals of intervention? What are the chief barriers to effective implementation? • *Stage 3: Exit strategy* How does a local government exit the program? Are triggers well specified? When, if ever, are medium- and long-term fiscal, economic, or service-based objectives discussed?
Detroit, Michigan – Ground Zero for the Changing Fiscal Relations Between State and Local Governments	A detailed view of the City of Detroit's ongoing intervention and bankruptcy processes

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MICHIGAN STATE UNIVERSITY | Extension

The Flint Fiscal Playbook:

An Assessment of the Emergency Manager Years (2011-2015)[1]

MSU Extension White Paper

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I. Introduction

The city of Flint, Michigan, has experienced a variety of fiscal difficulties since the early 2000s. In 2002, an emergency financial manager was appointed for the city under Public Act 72 of 1990 and was in place until 2004. Unfortunately, the reforms and changes made at that time only lasted for a few years before fiscal problems re-emerged in Flint (see MSU Extension white paper *Long-Term Crisis and Systemic Failure: Taking the Fiscal Stress of America's Older Cities Seriously*). By 2011, a second wave of emergency managers would be named to run the city under two newer laws (including PA 4 of 2011 and PA 436 of 2012). These emergency managers were removed from the city, restoring home rule in April 2015. The key question: Can Flint avoid the problems that have plagued it for the last 15 years without being placed under state control for the third time? Before answering that question, we must understand the reforms and changes that have occurred in the city since a fiscal emergency was declared in 2011.

The objectives of this case study of Flint, Michigan, are to understand the economic and fiscal trends that led to the state takeover via an emergency financial manager in November 2011 and to analyze the impact of the emergency manager policy on the city's fiscal health. It updates trends presented in a previous case study on fiscal stress in Flint,[3] provides additional detail regarding the policy changes that emergency managers have made, and examines the impacts of those changes.

[3] Eric Scorsone and Nicolette Bateson, *Long-Term Crisis and Systemic Failure: Taking the Fiscal Stress of America's Older Cities Seriously* (Michigan State University Extension, September 2011), http://expeng.anr.msu.edu/uploads/files/42/MSUE_FlintCaseStudy-2011%202.pdf

II. Historical Overview of Flint, Michigan

Examining the history of Flint can provide an understanding of the evolution of the chronic fiscal stress that has plagued the city, as well as its significance in the geographic region. The city of Flint is located in Genesee County, about 60 miles northwest of Detroit. The Flint River provided the natural resources to create successful commerce in the 1800s for fur trading, the lumber industry, the manufacture of carriages, and eventually the production of horseless carriages that led to the birth of the automotive industry. The entrepreneurial spirit and wealth in the area contributed to the founding of the Buick Motor Company in 1903, followed by the incorporation of General Motors (GM) in 1908. With the rapid growth of the automotive industry came concerns for employee working conditions. This led to the first automotive sit-down strike in 1936-1937 in Flint. After 44 days, the strike ended with the first union agreement with GM, which gave rise to the United Auto Workers (UAW). The continued improvements in working conditions and wages enabled Flint to become an ideal place to live and work, and the increase in wealth fostered a well-respected educational system. Early automotive industry leaders such as Charles Stewart Mott and William C. Durant provided the vision to create a strong cultural environment. Flint prospered for most of the years from the 1930s into the early 1970s. Like many industrial cities, however, the economic vibrancy ebbed and flowed with the U.S. automotive industry. In 1978, GM employed over 80,000 Flint-area residents. By 1990, the number of employees decreased to 23,000, dipping to as low as 8,000 in 2006.

City Government

The City of Flint was incorporated in 1855. The present charter, adopted in 1974, provides for a strong mayor-council form of government. The city council consists of nine members, each representing a ward and serving four-year terms. The mayor, also elected to a four-year term, is the chief executive officer. The mayor appoints a city administrator, as well as principal officials and department heads.

The City of Flint provides a full range of services across 32.8 square miles, including: police and fire protection, construction and maintenance of streets and infrastructure, recreational and cultural activities, water and sewer services, and sanitation and garbage pickup services. In addition, the City of Flint is financially accountable for four other entities:

- City of Flint Board of Hospital Managers (manages and operates the Hurley Medical Center providing inpatient, outpatient, and emergency care)
- Flint Downtown Development Authority (promotes rehabilitation of the downtown area)

- City of Flint Economic Development Corporation (provides financing and development opportunities for businesses located in the City)
- Flint Area Enterprise Community[4] (coordinates the federal enterprise and helps to leverage the resources for the zone)

Flint is the county seat for Genesee County. Like most counties in Michigan, the county government provides court services, human services, record keeping, and community enrichment for its residents. The county and its elected officials also serve as regional problem solvers.

Demographics

The city of Flint's population has changed drastically over the past 50 years. This section explores the historical changes that have occurred throughout the city and region. These trends are essential for explaining the path that has led to Flint's fiscal distress and may point to the path that the city may need to follow in order to build a sustainable future.

Population

According to data collected by the U.S. Census Bureau, the population of the city of Flint has declined over five consecutive decades. There were 48% fewer residents in the city in 2010 compared to 1960 (**Exhibit II-1**). In 2012, there were 100,515[5] residents in the city; in 2013 the city's estimated population further declined to 99,758[6].

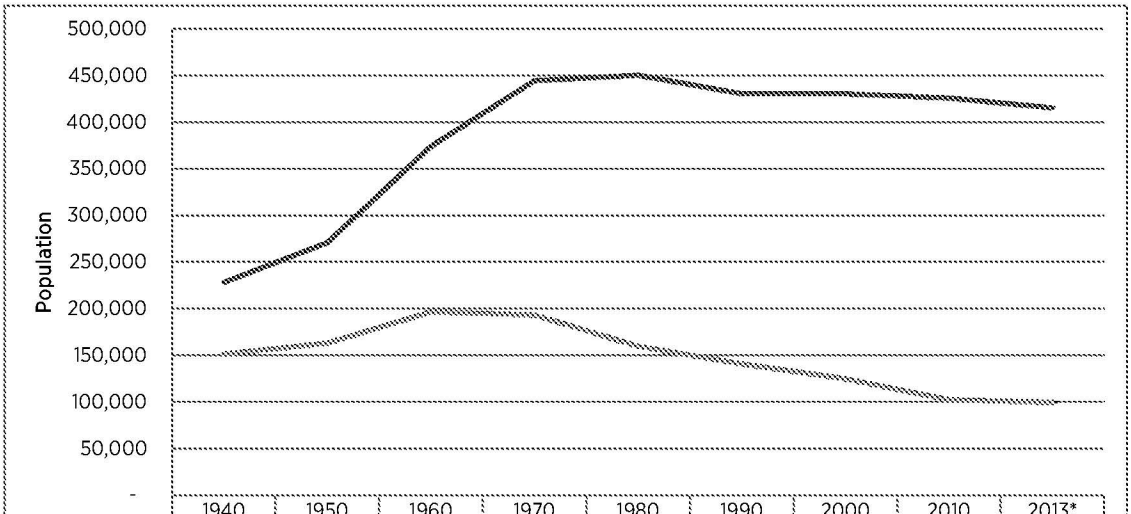
In contrast, the population trends in the Flint metropolitan statistical area (MSA), defined by Genesee County boundaries, indicate enormous growth through the 1970s with slight declines over the following three decades. This indicates that the Flint metropolitan statistical area has experienced significant decentralization.

4 The Flint Area Enterprise Community (FAEC) was consolidated with the Economic Development Corporation (EDC) (with the EDC Board of Directors exercising authority and control of the FAEC) by an executive order of the city's emergency manager effective August 8, 2012.

5 With a margin of error of +/- 27 people.

6 2013 American Community Survey 1-year estimate, http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S0101&prodType=table

Exhibit II-1 Flint Metropolitan Statistical Area (MSA) and Flint City Population
Data source: U. S. Census Bureau (Decennial Census, American Community Survey*)

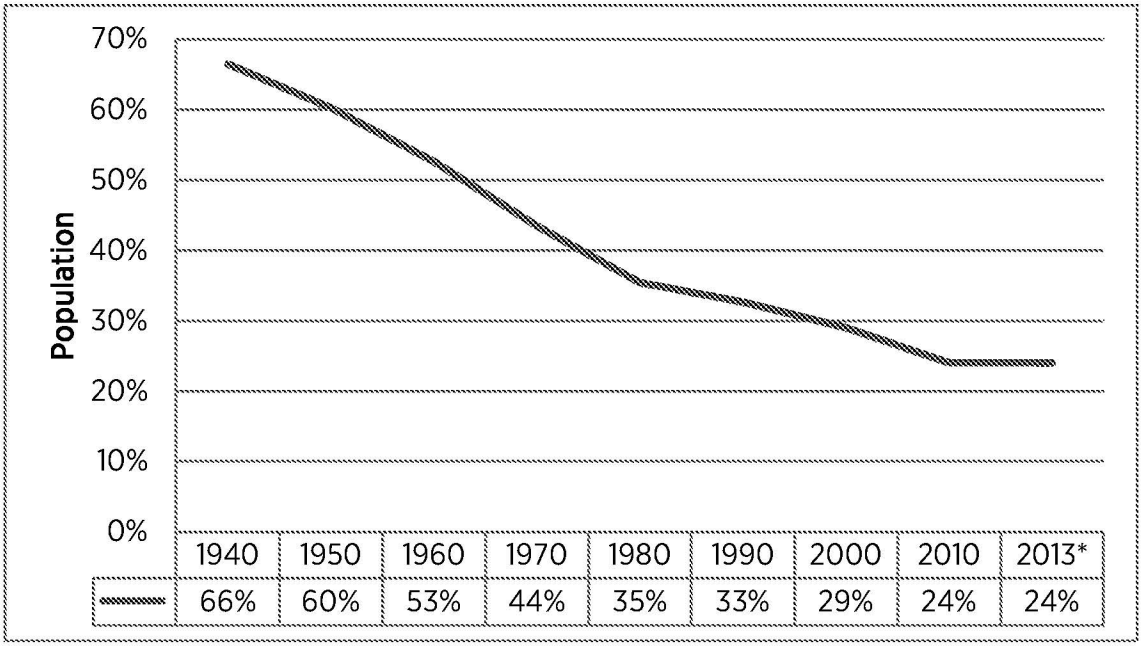


	1940	1950	1960	1970	1980	1990	2000	2010	2013*
MSA	227,944	270,963	374,313	444,341	450,449	430,459	430,459	425,790	415376
City	151,453	163,143	196,940	193,317	159,611	140,761	124,943	102,434	99758

Exhibit II-2 more clearly illustrates this decentralization. In 1940, the city of Flint comprised 66% of the population of the Flint MSA population compared to only 24% in 2013. The estimates from the 2013 American Community Survey indicate that the net migration into the suburbs may be starting to stabilize, though Flint's population has continued to decline in recent years.

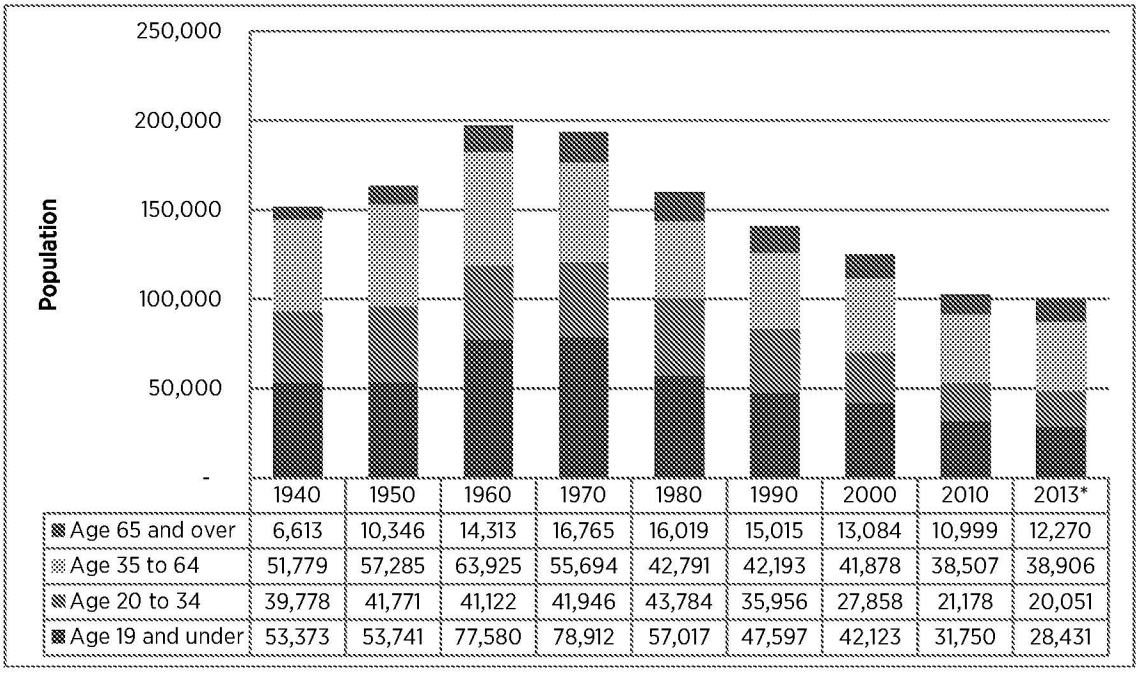
Population Characteristics

Flint's population has been aging over the past several decades. **Exhibit II-3** shows a breakdown of the number of people by age group in Flint from 1940 through 2013.



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
	66%	60%	53%	44%	35%	33%	29%	24%	24%

Exhibit II-2 Flint City Population as a Percent of MSA
Data source: U. S. Census Bureau (Decennial Census, American Community Survey*)



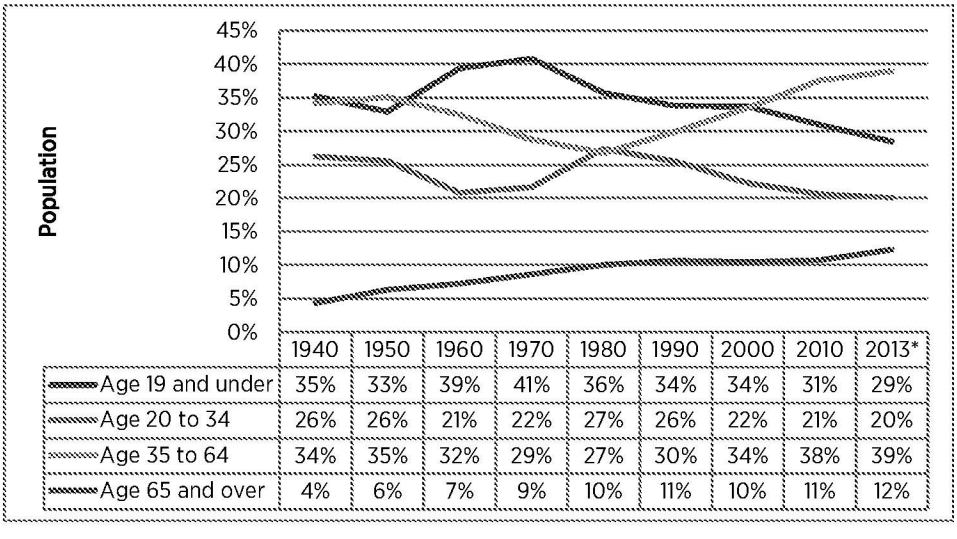
	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Age 65 and over	6,613	10,346	14,313	16,765	16,019	15,015	13,084	10,999	12,270
Age 35 to 64	51,779	57,285	63,925	55,694	42,791	42,193	41,878	38,507	38,906
Age 20 to 34	39,778	41,771	41,122	41,946	43,784	35,956	27,858	21,178	20,051
Age 19 and under	53,373	53,741	77,580	78,912	57,017	47,597	42,123	31,750	28,431

Exhibit II-3 Age of Flint Population
Data source: U. S. Census Bureau (Decennial Census, 2013 American Community Survey*)

To see this more clearly, **Exhibit II-4** shows the relative share of each age category in the total population for each year. The share of population aged 19 years old and under generally increased from 1940 to 1970 with the Baby Boom and has since continually declined from its peak of 41% in 1970, to only 29% of the population in 2013. The share of individuals aged 20 to 34 has fluctuated over the last seven decades, but has been on a general decline since 1980. The share of population aged 35 to 64 years old experienced a period of contraction from 1950 to 1980 followed by a continuous period of growth since then, likely due to the aging of the Baby Boomer population. Finally, during the past seven decades, there has been a fairly steady expansion of residents aged 65 and over, probably due to increased life expectancy. This demographic is expected to continue to expand with the aging of the Baby Boomer population.

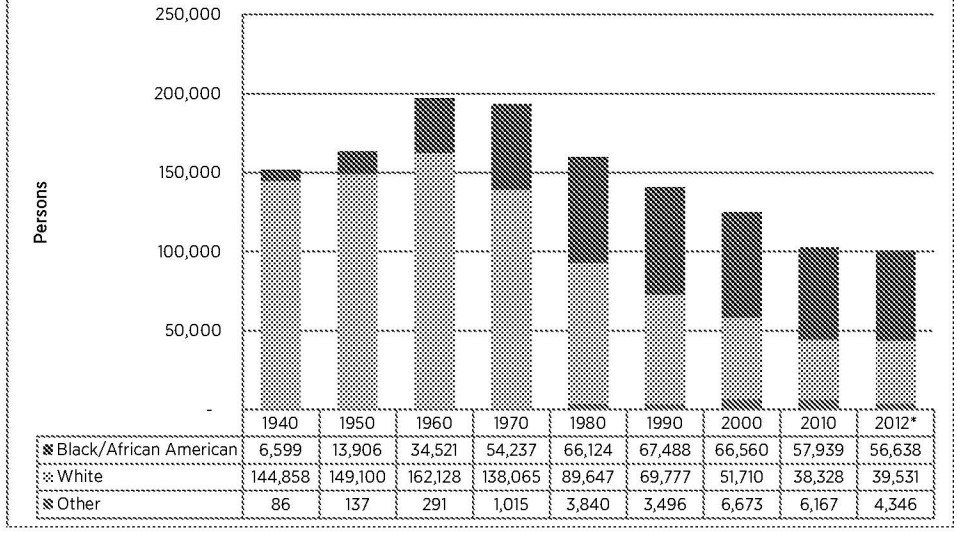
The racial distribution of the city has also changed since the 1940s, as shown in **Exhibit II-5**. The city has become more diverse with a population that is 39% white and 56% black/African-American in 2012 compared to 95.6% white and 4% black/African-American in 1940. The share of the population in the "Other" category, which includes both individuals of other races and multi-racial individuals, has also grown from 0.1% in 1940 to 6% in 2010.

Exhibit II-4 Flint Age by Percentage of Population
Data source: U. S. Census Bureau (Decennial Census, 2013 American Community Survey*)



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Age 19 and under	35%	33%	39%	41%	36%	34%	34%	31%	29%
Age 20 to 34	26%	26%	21%	22%	27%	26%	22%	21%	20%
Age 35 to 64	34%	35%	32%	29%	27%	30%	34%	38%	39%
Age 65 and over	4%	6%	7%	9%	10%	11%	10%	11%	12%

Exhibit II-5 Flint Population by Race
Data source: U. S. Census Bureau (Decennial Census, 2012 American Community Survey*)

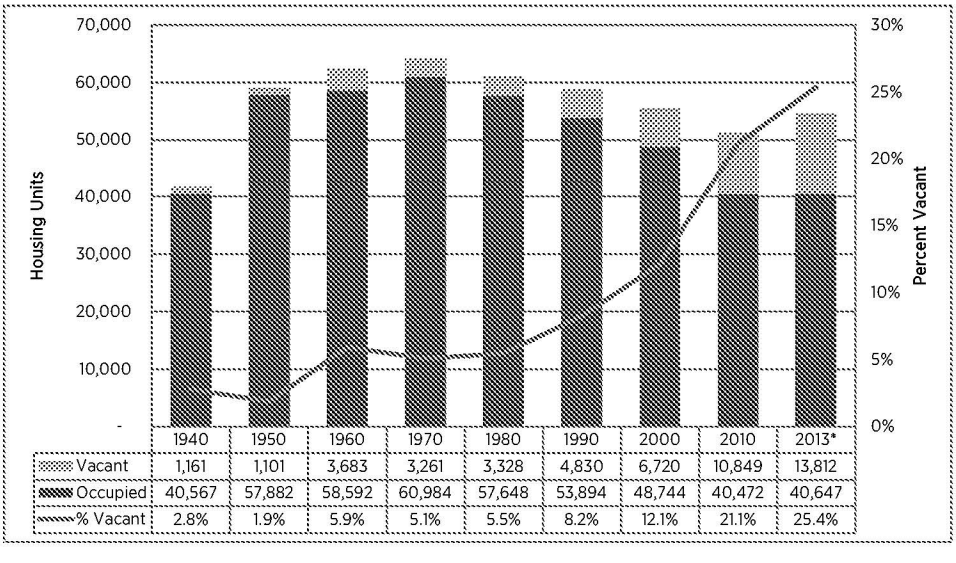


	1940	1950	1960	1970	1980	1990	2000	2010	2012*
Black/African American	6,599	13,906	34,521	54,237	66,124	67,488	66,560	57,939	56,638
White	144,858	149,100	162,128	138,065	89,647	69,777	51,710	38,328	39,531
Other	86	137	291	1,015	3,840	3,496	6,673	6,167	4,346

Housing Trends

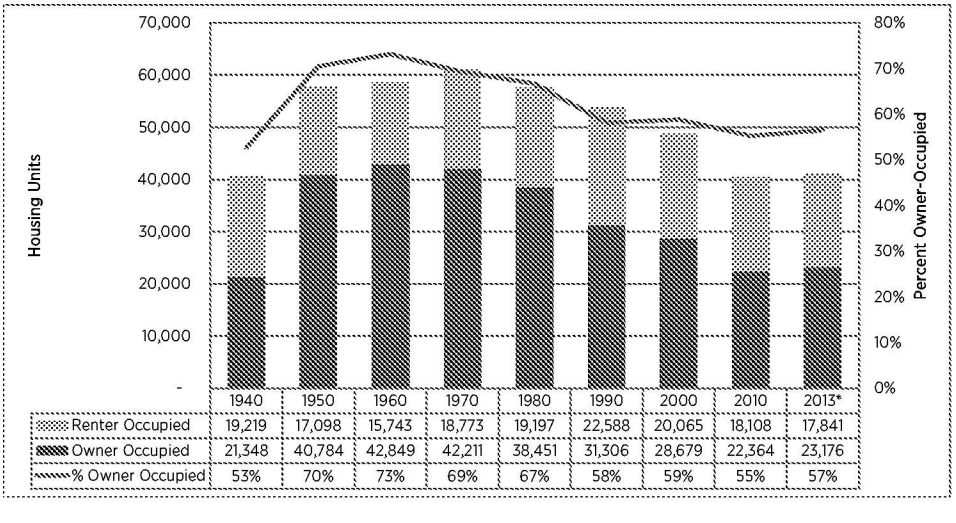
Housing trends also help tell the story of a city that is facing fiscal stress. The rate of housing vacancy increased from 5.1% in 1970 to 25.4% in 2013 (**Exhibit II-6**). The rate of change in vacancy was highest between 2000 and 2013 with a 13 percentage-point increase. This coincides with Michigan's decade of economic decline. The potential impact of increased housing vacancies on fiscal health include not only decline in property values and associated property tax revenues, but also increased municipal maintenance, police patrol, fire protection, and other costs to address health and human safety concerns.[1]

Home ownership is also associated with the strength of a community's property values. In 2013, owner-occupied housing only comprised 57% of occupied housing units compared to 73% of units at its peak over the last seven decades in 1960. However, the rate of owner-occupied housing in 2013 is a slight increase from its value in 2010, perhaps a small sign of recovery for the city of Flint (**Exhibit II-7**).



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Vacant	1,161	1,101	3,683	3,261	3,328	4,830	6,720	10,849	13,812
Occupied	40,567	57,882	58,592	60,984	57,648	53,894	48,744	40,472	40,647
% Vacant	2.8%	1.9%	5.9%	5.1%	5.5%	8.2%	12.1%	21.1%	25.4%

Exhibit II-6 Flint Vacant vs. Occupied Housing Units
Data source: U. S. Census Bureau (Decennial Census, 2013 American Community Survey*)



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Renter Occupied	19,219	17,098	15,743	18,773	19,197	22,588	20,065	18,108	17,841
Owner Occupied	21,348	40,784	42,849	42,211	38,451	31,306	28,679	22,364	23,176
% Owner Occupied	53%	70%	73%	69%	67%	58%	59%	55%	57%

Exhibit II-7 Flint Renter-Occupied vs. Owner-Occupied Housing Units
Data source: U. S. Census Bureau (Decennial Census, 2012 American Community Survey*)

Given these trends, it is no surprise that property values in the Flint area have declined drastically since the Great Recession as shown in **Exhibit II-8**. The state equalized value (SEV) and the taxable value (TV) have almost converged as of 2015. This could be attributed to a combination of falling property values and the "pop-up" effect of the transfer of ownership of property due to Proposal A (which will be discussed in more detail in section IV). Since local governments tend to rely heavily on property taxes for revenue, this is another indicator of the declining tax base of the city.

Economy

The trends in the jobless rate in the city of Flint and Flint MSA tend to follow the same pattern as that of Michigan as a whole (**Exhibit II-9**). The jobless rate rose during the 2001 recession and did not see sustained recovery until after the Great Recession ended in 2009; however, absolute unemployment rates tend to be higher in the city compared to the MSA and the state as a whole. While there has been a drop in unemployment in the city of Flint since the end of the Great Recession, it is still higher (14% in 2014) than pre-2001 recession levels (8% in 2000).

Exhibit II-8 State Equalized Value (SEV) and Taxable Value (TV) – Flint
Data source: Genesee County Equalization Department

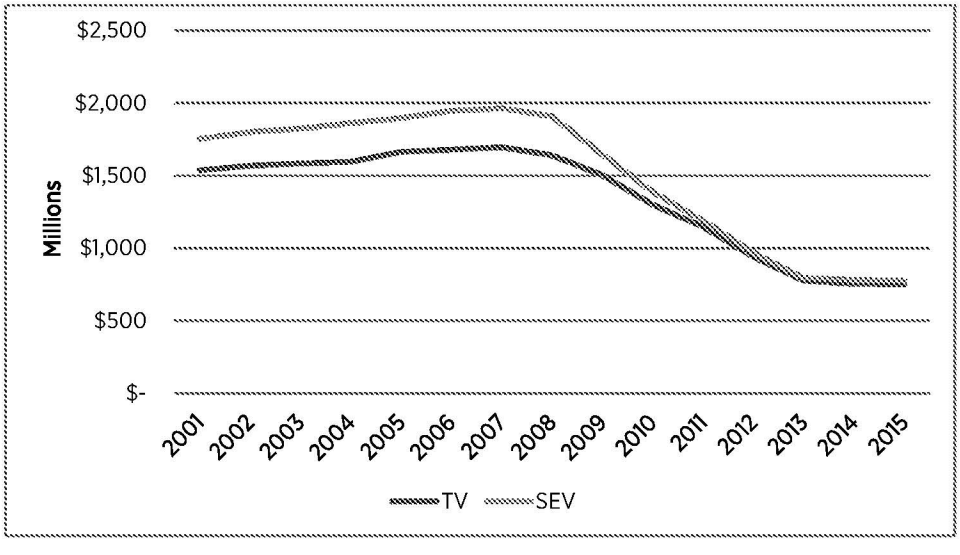
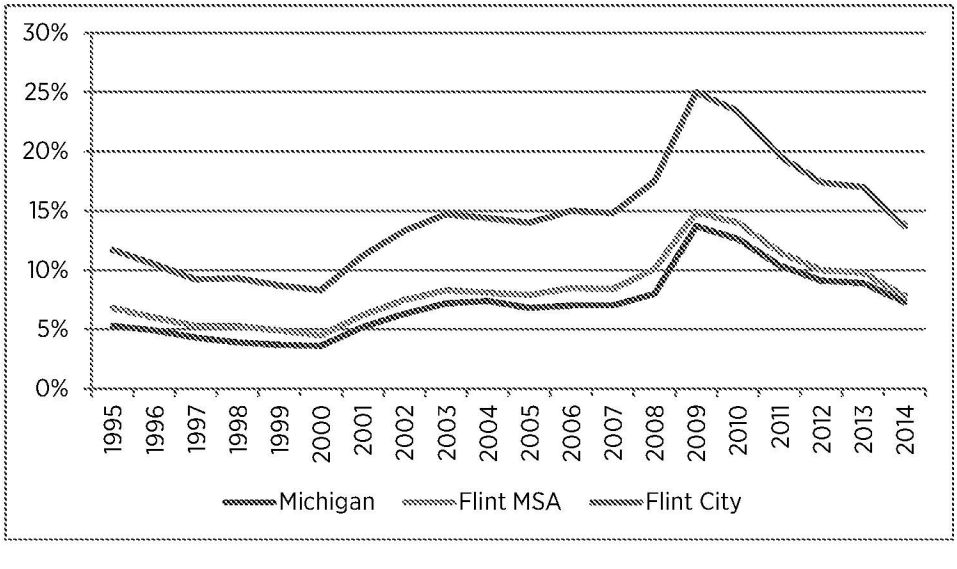


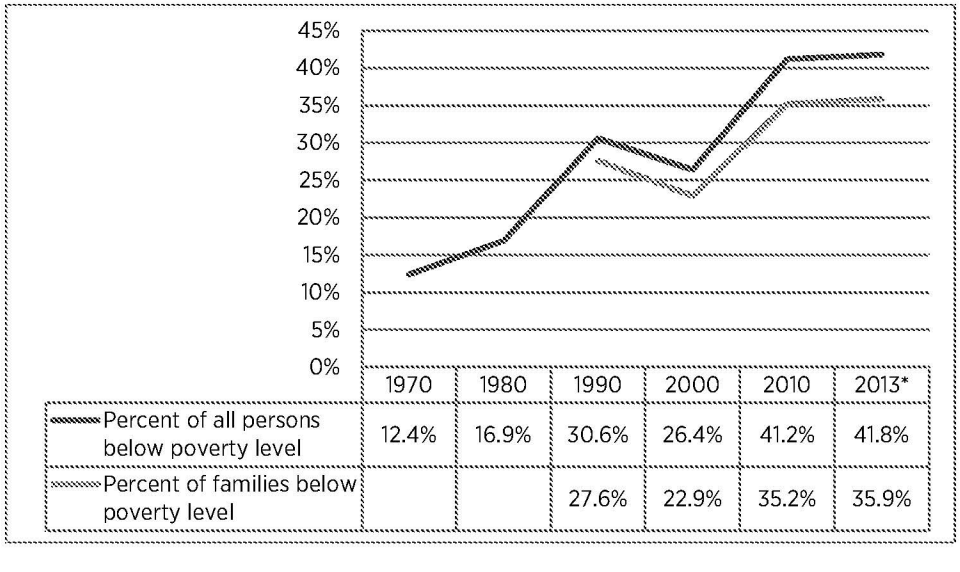
Exhibit II-9 Flint Jobless Rate
Data source: Michigan Department of Technology, Management & Budget



The city of Flint's audit reports disclosed the city's personal income statistics as shown in **Exhibit II-10**. While a slight recovery occurred after the 2001 recession, in general, personal income has been on a long-term decline since 1996, indicating a diminishing tax base. A decline in personal income not only indicates a lower capacity for property tax and income tax revenues, but also suggests a relation to a lower demand for business-type services. If this demand is fairly elastic with respect to personal income, this would lead to a reduction in city income from public recreation programs, parking fees, and similar sources. The decline in personal income began leveling off in 2009, suggesting signs of stabilization following Michigan's decade in recession.

While the economic climate in the 1990s and 2000s worsened the city of Flint's employment and income trends, many decades of above average poverty rates signal long-term fiscal stress. **Exhibit II-11** shows the general growth in the share of total population living below the poverty level, which peaked at 41.2% in 2010. The share of families below the poverty level follows the population trend. Poverty rates reported by the 2012 American Community Survey indicate

Exhibit II-10 Flint Personal Income
Data source: City of Flint Comprehensive Annual Financial Reports



	1970	1980	1990	2000	2010	2013*
Percent of all persons below poverty level	12.4%	16.9%	30.6%	26.4%	41.2%	41.8%
Percent of families below poverty level			27.6%	22.9%	35.2%	35.9%

Exhibit II-11 Population of Flint Below Poverty Level
Data source: U.S. Census Bureau (Decennial Census, 2012 American Community Survey*)

a possible improvement since 2010, which also coincides with the improvements in unemployment and income, discussed above. If the unemployment and income trends are indeed indicative of economic recovery, then these improvements in poverty statistics are possibly explained by a countercyclical relationship between poverty and the business cycle.

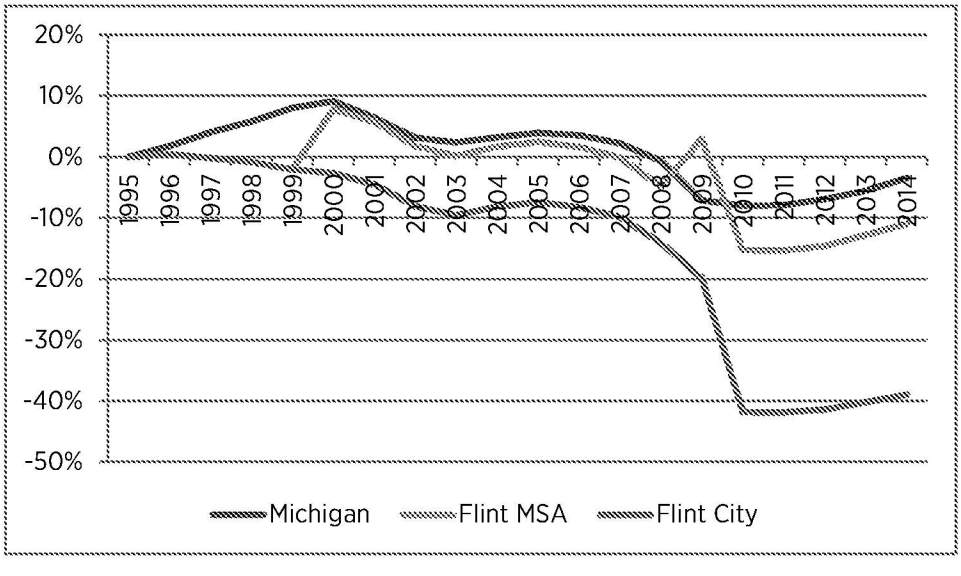
Exhibit II-12 depicts the cumulative change in the number of nonfarm jobs in the city of Flint, the Flint MSA, and Michigan as a whole. While the state overall saw a period of growth in employment in the mid-1990s, employment in the city of Flint and the Flint MSA began to decline in 1996. According to annual estimates from the Bureau of Labor Statistics (BLS) for the Flint MSA, the decline in manufacturing was the driving force of unemployment. Employment in this sector consistently fell between 1995 and 2008, from 48,200 jobs to 9,500.[7] Over this same period, the share of manufacturing jobs (of total nonfarm employment) dropped from 27% to 9%. This trend is likely due to the region's reliance on the domestic auto industry and the declines in the Big Three's market share that began in the 1980s and led to plant closures in the 1990s and early 2000s. According to Genesee County's audit reports, the county's largest employer in FY1997 was GM with 40,944 employees. In FY2009, GM still held its rank as the county's largest employer, but with only 3,417 employees in the county.

While the Flint MSA saw a boost in jobs in 2000, the city experienced a long-term decline in employment over the period shown, with 39% fewer jobs in 2014 than existed in 1995. The share of employment in the city compared to the MSA as a whole also fell in the same time period; as of 2014, employees in Flint represent about 18% of those in the Flint MSA compared to 26% in 1995.

The trends in **Exhibit II-12** indicate that employment started to recover slightly in 2010. This has been primarily driven by the private sector, namely the manufacturing, professional and business services, and trade, transportation and utilities sub-sectors. Public sector employment in the region has followed national trends as it continues to decline. The overall rise in employment in Flint along with the unemployment, income, and poverty trends support the story that the city is experiencing signs of economic recovery.

[7] Not seasonally adjusted

Exhibit II-12 Cumulative Change in Employment in Flint and in Michigan
Data source: Michigan Department of Technology, Management & Budget



The industries representing the city's 10 largest employers have diversified over the past decade. Most notable is the increased prevalence of higher education and employment services (**Exhibit II-13**). During periods of economic decline, enrollment in higher education often increases as individuals seek to expand their skill sets or pursue career changes. Demand for job placement services also increases. Another trend is the increasing concentration of employees in the top 10 employers. The 10 largest employers represented about 65% of the total number of employees in 2014 compared to only 59% of the total number of employees in 2003. This indicates that the impact of smaller firms in the city has diminished over this period. Larger firms tend to have more organizational slack,[ii] which can act as a buffer during economic downturns. Smaller firms that do not have such slack are likely more vulnerable to poor economic environments. Depending on the nature of recovery, employment in small firms could diminish even further during future recessions.

Exhibit II-14 illustrates the diversification of employment in the city of Flint by comparing the share of employees in each industry in 2003 and 2014. The relative share of both automotive employment and public sector employment dropped more significantly than that of healthcare employment.

Principal Employer Industry	FY2003	FY2014
Automotive	23,616	13,975
Federal, state and local government	13,037	6,103
Healthcare	9,569	5,963
Higher education	-	5,656
Employment services	-	1,214
Employees working for ten largest employers	46,222	32,911
Total employees working in City	78,553	51,128

Exhibit II-13 Employment in Flint's 10 Largest Employers by Industry
Data source: City of Flint Comprehensive Annual Financial Reports

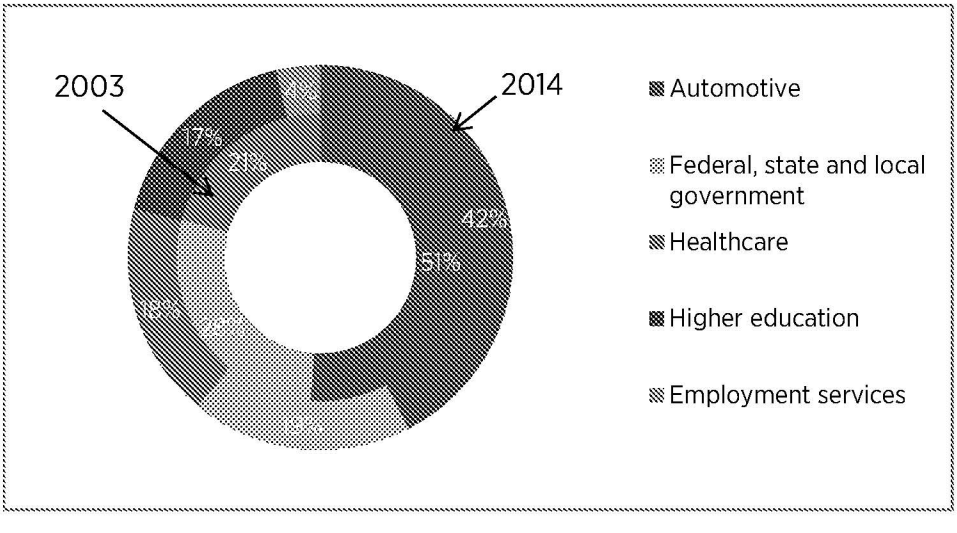


Exhibit II-14 Flint's 10 Largest Employers by Industry
Data source: City of Flint Comprehensive Annual Financial Reports

The city has concentrated efforts to encourage new development. Although most new projects include property that is either tax exempt or requires a property tax incentive, they have brought employees to the city, which increases the nonresident income tax revenue. Recent redevelopment efforts have focused on marketing the 452-acre vacant "Buick City" property. The Environmental Protection Agency has committed up to $7 million for Phase I clean-up of that property.[iii] The total commitment to Buick City is approximately $30 million. Funding for the remediation is from the Revitalizing Auto Communities Environmental Response (RACER) Trust that was created through the GM bankruptcy. The soil remediation project began in early 2011. According to the March 2014 update, corrective measures are being implemented in the Southend site. A corrective measures proposal for the Northend cleanup is being reviewed and will be presented to the public in summer 2014.[iv]

In November 2013, the American Cast Iron Pipe Company announced plans to construct a plant on the Buick City property, creating 50 to 60 manufacturing jobs for Flint. The plant opened in December 2014.

Flint's air transportation needs are serviced by nearby Bishop International Airport. In January 2011, the Bishop Airport Board approved the bid process for a $16.8 million expansion.[v] This project added 47,000 square feet of terminal space, four gates and doubled the width of the corridor linking two sections of the airport. The expansion was completed in November 2012, adding 350 jobs and increasing the number of passengers at Flint's Bishop International Airport[vi]. Several highways meet road transportation needs.

III. Flint Under Emergency Financial Management

Path to Receivership

Due to its decreasing population, employment, and tax revenues, the Flint city government has been under considerable fiscal stress in recent years. In the early 2000s, an emergency financial manager (EFM) was appointed for the city, and was in place until 2004; however, the city soon returned to fiscal insolvency.

The cycle of returning to a deficit position after an EFM appointment ends is not unique to Flint. Drawing on the experience of Flint and other cities that have been assigned an EFM, state policy makers drafted revisions to PA 72, which was replaced by PA 4 in 2011. After a referendum, PA 4 was repealed in 2012, then replaced by PA 436 of 2012[8].

The new law provides greater incentive and mechanisms for local governments to address budget challenges before an emergency manager (EM) is assigned. PA 436 also provides four options to struggling municipalities[9], offering alternatives to the appointment of an EM. Ultimately, however, if cities with chronic fiscal stress are suffering from structural challenges beyond their control, improved management will only be able to cure a limited number of problems.

If a city is placed in receivership under PA 436 of 2012 and an EM is appointed by the state, he or she is granted broad powers to address the struggling city's finances. This includes the authority to amend collective bargaining agreements, make personnel changes, and review and approve the city's budget.

Responding to the most recent fiscal crisis, Michigan's Treasury Department conducted a preliminary review of Flint's financial situation in August and September 2011.[vii] The review found that general fund expenditures had exceeded revenues for the preceding four years. Two years after its deficit reduction plan had been submitted to the state, the general fund deficit had more than doubled. The review also reported that departments within the municipal government had been compensating for cash shortages by borrowing from other funds. The review team determined it was uncertain whether the City of Flint would be able to fulfill its short-term financial obligations.

Due to the City of Flint's structural deficit, increasing legacy costs, and accumulating debt, the review team recommended to the governor that the city be placed under emergency financial management under Public Act 4. In November 2011, the governor of Michigan placed the City of Flint in receivership.

Michael Brown was appointed as the city's emergency financial manager effective December 1, 2011. In August 2012, Michael Brown was replaced by Edward Kurtz as emergency manager (who had served as the city's EM from 2002 to 2004). Ed Kurtz served as the city's emergency manager until July 2013, at which time Michael Brown was again appointed by the governor. Michael Brown resigned in September 2013; Darnell Earley was appointed as his replacement. In January 2015, it was announced that Jerry Ambrose, who had previously served as the city's finance and administration director, would replace Darnell Earley as emergency manager. Jerry Ambrose served as the city's EM until April 2015, when control of the city's finances was returned to the mayor and city council under the supervision of a Receivership Transition Advisory Board.

Reforms to Personnel Costs

Wages and Salaries

Significant actions were taken shortly after Michael Brown's appointment as emergency manager. Almost immediately after his appointment, the salaries, benefits, and other compensation were eliminated for the city's mayor and nine council members. The mayor's salary was later restored to 60% of his base salary with full restoration of his benefits, and the salaries of city council members were restored to $7,000 per year with no benefits. Additionally, council members were required to complete level one of the Michigan Municipal League's core courses for municipal government. Several positions were eliminated, which included the Office of the Ombudsman, the Civil Service Commission, and the respective staff assigned to these offices.

[8] Emergency financial managers were in place under Act 72; the term "emergency manager" is used in PA 4 and PA 436. There are somewhat different powers under the various acts but otherwise the concept is the same.

[9] These options include entering into a consent agreement with the state, filing for bankruptcy, agreeing to mediation, or accepting the appointment of an EM.

In an effort to reduce the city government's wage expenses by 20%[viii], significant changes were made to the collective bargaining agreements of the City of Flints's police and fire unions. Wages were reduced across the board for members of all police unions: by 1.5% for sergeants, by 2.5% for captains and lieutenants, and by 5% for officers). Salaries and wages of members of the firefighters' union were also reduced[10].

Substantial changes were also made to the city government contracts with the American Federation of State, County and Municipal Employees (AFSCME) locals 1600 and 1799, the unions representing the majority of general city government employees. Wages for Local 1600 members were reduced by 2.5%, and several changes to overtime, holiday, and leave pay were made for both unions.

With the exception of emergency overtime, the EM required that all employee overtime be approved in advance. Executive orders were also issued to put limitations on departments' spending authority, with EM approval required for purchases over $10,000. Stringent budgetary guidelines were put on all departments, emphasizing that budgetary authority is not a mandate to spend and that actions to keep expenses low should be taken whenever possible.

Pensions

Changes were made to police and fire unions' pension eligibility. Employees' annual pension contributions were increased to 9.5% of all earnings for those in the fire and police unions. For members of the unions hired prior to the introduction of the new pension guidelines, the portion of pensions earned up to the 20th year of service are calculated according to the expired bargaining agreement. However, the multiplier was reduced to 2.25 and capped at 240 hours of leave time included as part of the final average compensation (FAC) for all service time earned after the effective dates of the new collective bargaining agreements.

Similar adjustments were made to the pension benefits for locals 1600 and 1799. The defined benefit multiplier was reduced to 1.5% prospectively, and the employee contribution rate was increased from 8% to 12% for Local 1600 and to 9.5% for Local 1799. Hybrid retirement plans (with both defined contribution and defined benefit components) were established for new hires and former defined benefit plan participants. Employees' contributions to the defined contribution components are matched by the City of Flint; employer contributions to the defined benefit component were capped at 10%.

To save administration-related costs, pensions for all unions with collective bargaining agreements with the City of Flint were transferred from the Flint Employees' Retirement System (FERS) to the Michigan Municipal Employees Retirement System (MERS).[ix] This move was approved by all but the police officers' union; section 19(k) of PA 4 was invoked to approve the transfer of Flint police officers' pensions.

Other Post-Employment Benefits

Changes were made to the healthcare benefits received by retirees of the police and fire unions. Cuts included discontinuing healthcare for a former employees' spouse if he or she is eligible to receive paid health coverage through an employer or former employer. The City of Flint reduced the number of plans offered to employees hired after July 1, 2012, offering a high deductible plan in conjunction with a health savings account. Through executive orders, the EM reserved the right of the city to change or discontinue the health insurance programs in response to the Patient Protection and Affordable Care Act (PPACA) as amended.

The City of Flint scaled back its contribution requirements for an active employee's health coverage, requiring employees to pay any premium contributions that exceed the amount contributed by the employer through pension deductions.

Retirees and their spouses aged 65 and over who are covered by Medicare supplemental plan at the employer's expense are subject to contribution limits of the Publicly Funded Health Insurance Contribution Act (PA 152 of 2012) if and only if the retiree enrolls in and pays for Medicare Supplemental Part B. Changes made to the healthcare coverage of retired members of the local 1600 and 1799 unions were similar to those of the other major unions representing City of Flint employees.

Changes were made to the retiree health benefits offered to personnel hired after the effective dates of the new agreements. Instead of employer-paid retiree healthcare coverage, members of the police officers' and firefighters' unions, as well as locals 1600 and 1799 hired after April 2012 were eligible for Retiree Medical Savings Accounts (RMSAs) to which the City of Flint and employees contribute through payroll deductions.

Under the executive orders, the City of Flint committed to contribute $1,500 annually to the RMSAs, with employees contributing $600 per year. Employees will be 100% vested at all times on their own contributions and investment earnings, while employer contributions and investment earnings will be 100% vested after five years of completed service. The same changes were made to retiree health benefits of newly hired nonunion city government

[10] From $63,080.16 to $50,791.52 for CAD supervisors, from $60,515.52 to $56,998.24 for quartermaster, and from $33,467.20 to $27,270.88 for comm. specialist trainees

employees. Contributions to a new employee's RMSA continue until the employee is no longer employed by the City of Flint (including retirement) or when the employee becomes eligible for Medicare. These benefits were not made available to nonunion retirees or spouses who are eligible for health coverage through another employer or former employer.

Other Reforms

In addition to actions taken to reduce the City of Flint's financial obligations in relation to staff, other measures were taken to address the growing deficit. User fees were implemented for waste collection and a special assessment was levied to provide funds for the operation of street lighting (to eliminate $2.85 million in costs to the city government's general fund[x]). Both fees were added to homeowners' property tax bills. Water and sewer rates were increased by 25% to adequately cover the costs of operating both systems.

The City of Flint's Fiscal Year 2013 budget, passed by an executive order on April 24, 2012, was the first balanced budget it had passed in seven years. A total of 155 positions (16% of the workforce) were eliminated.[xi]

Property taxes were increased in order to support police and fire budgets. This increase was achieved by a vote of the city's residents, who approved a 6 mill property tax increase on November 6, 2012.[xii] This tax increase allowed the city government to maintain staffing levels in the police and fire departments that had, up until that point, been supported through a federal grant.

IV. City Finances

Repeated periods of governmental fund deficits can be used to identify cities with chronic fiscal stress. If a city is consistently unable to sustain a positive fund balance, it is likely facing structural budgetary constraints. The City of Flint's fund balance/accumulated deficit history highlights its recurring deficits (**Exhibit IV-1**). Temporary solutions provided some periods of short-term relief in 2005 to 2007 due to the measures taken by an emergency financial manager under Public Act 72 of 1990. The governor appointed the EFM in May 2002, who remained in place until 2004. The progress made during the EFM's tenure was undone three years later due to subsequent labor settlements, costly litigation, and declining revenues. The City of Flint closed FY2008 with a deficit in the General Fund of $6.8 million. Since 2010, the Flint city government has been able to build up the fund balances in its other governmental funds, but has mixed performance in controlling the deficit in its General Fund, which is the main fund for general operating expenses.

General Fund

As of June 30, 2014, the City of Flint's General Fund ended the year with an accumulated deficit of $8.9 million. This is the seventh consecutive year that the fund balance has been in a deficit position, but significantly reduced from the $19.1 million deficit in FY2012. FY2014 is also the third year since FY2006 that the city operated with a surplus in its General Fund; the only other year in which the General Fund ended with a surplus is FY2011 (**Exhibit IV-2**).

Exhibit IV-1 Governmental Funds – Flint History of Fund Balances
Data source: City of Flint Comprehensive Annual Financial Reports

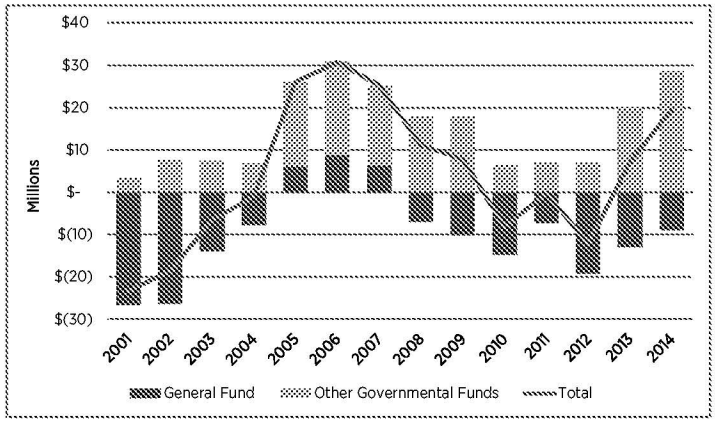
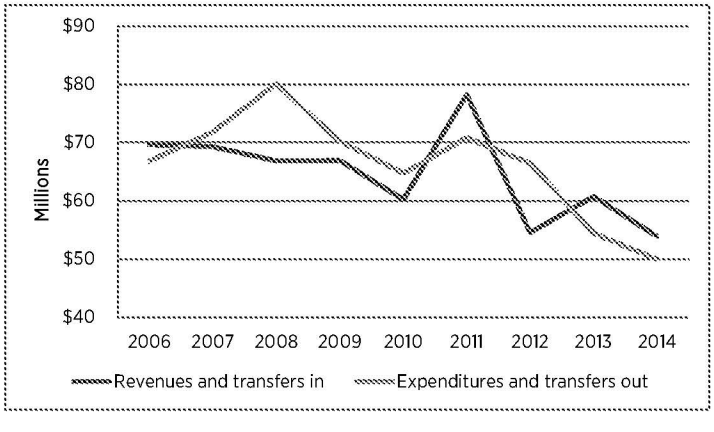


Exhibit IV-2 Flint General Fund Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports



Revenues

As of 2014, the four primary sources of revenue, and their proportionate share of the General Fund, are property tax (10%), income tax (24%), state shared revenue (32%), and charges for services (18%). **Exhibit IV-3** shows the changes in the share of General Fund revenues over time. Typically, the property tax is the primary source of revenue for local governments. However, the City of Flint's reliance on the property tax has severely diminished over the last several years, which is a testament to the impact of falling property values in the city. Conversely, the share of revenues from charges for services has seen an overall growth. In FY2010, the share of revenues from charges for services actually exceeded that from property taxes. Both the share of revenues of income taxes and of state shared revenue have also declined, but to a lesser extent. The spike in the share of "Other" revenue funds in FY2011 was due to an $8 million debt issuance in the form of 25-year fiscal stabilization bonds from the Local Government Loan Program through the Michigan Department of Treasury. This was less than half of the $20 million in bonds that the City of Flint had initially requested in order maintain operations when it had anticipated that it would run out of cash by March 1, 2011.

Property Tax

Property tax in Michigan is assessed on both real and personal property, though municipalities are limited in levying property taxes in a number of ways. First, the Home Rule City Act of 1909 limits cities in Michigan to levying property taxes of no more than 20 mills for direct municipal services.[xiii] Next, the Headlee Amendment, ratified in 1978, limits the authorized millage rate when property values rise at a faster rate than the rate of inflation.[xiv] Increases in property values due to improvements or new construction are not subject to this limit. Finally, in 1994, Michigan voters approved Proposal A, which limited annual increases to the taxable value to 5% or the rate of inflation, whichever is lower, until there is a transfer of ownership.[xv]

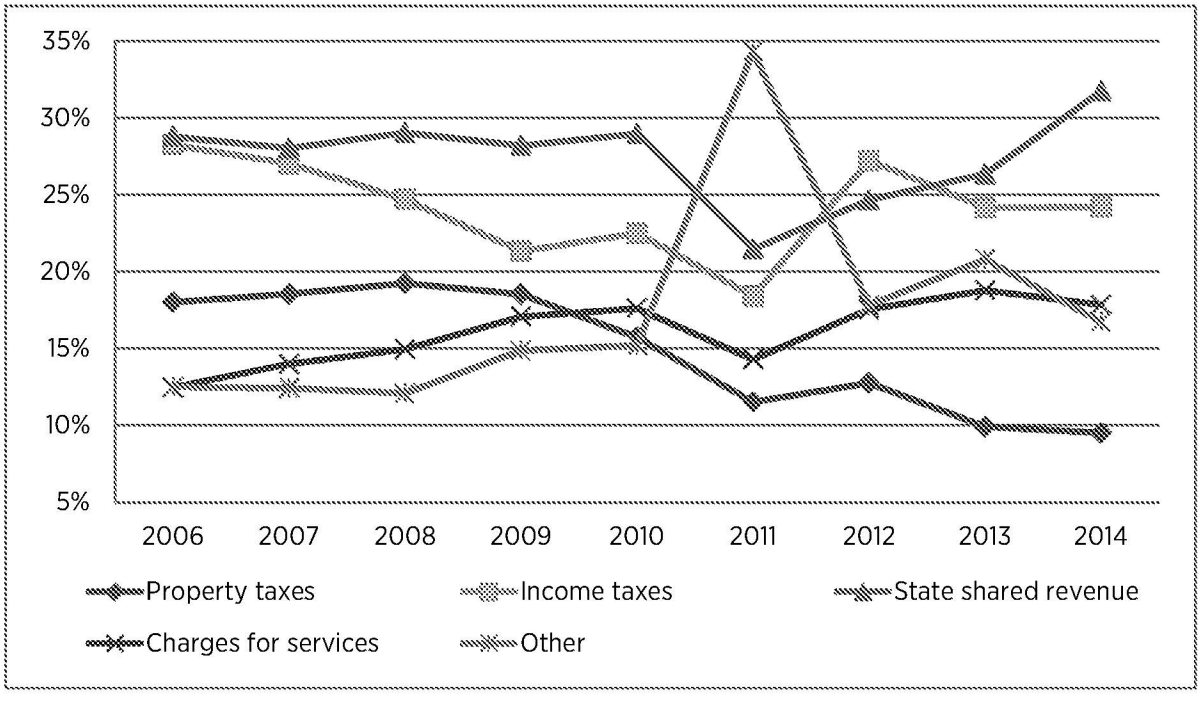


Exhibit IV-3
Share of Flint General Fund Revenues
Data source: City of Flint Comprehensive Annual Financial Reports

Compared to the 10 most populated local units in Genesee County, which represent 72% of the population, the city of Flint levies the highest homestead tax rate (**Exhibit IV-4**). This may cause the city to be less competitive in attracting residents, which hinders its ability to increase its tax base. High tax rates also create incentives for residents to relocate to the suburban areas, which may be one factor that contributes to the population decentralization trends shown in **Exhibit II-2**. For example, a homeowner in the city of Flint will pay, on average, 37.7% more in property taxes than residents of the nine other largest communities that own properties with the same taxable value. This is a substantial increase compared to the same analysis that was performed in the 2011 case study; in FY2011, a homeowner in Flint would pay on average 28.2% more than a homeowner in the other nine communities with a property that had the same taxable value. If a residential property has a taxable value of $75,000, the homeowner in Flint will pay $4,413. A homeowner in the next most-populated community, Grand Blanc Charter Township, will pay $3,119.

Exhibit IV-4 Millage Rates in Genesee County for Fiscal Year 2013 (2014 Tax Rates)
Data source: 2013 American Communities Survey and Michigan Department of Treasury

			Average Property Tax Rates					Annual Bill Based on Taxable Value of $75,000
Taxing Unit	Type of Unit	2013 Population*	County	Local	School	State Education	Total	
Flint	**City**	**101,649**	**9.81**	**22.02**	**21.01**	**6.00**	**58.84**	**$ 4,413**
Grand Blanc	Charter Township	37,060	10.07	7.13	18.38	6.00	41.58	$ 3,119
Flint	Charter Township	31,614	10.07	10.74	20.96	6.00	47.77	$ 3,583
Burton	City	29,663	10.05	15.23	19.27	6.00	50.55	$ 3,791
Genesee	Charter Township	21,291	10.07	7.99	18.19	6.00	42.25	$ 3,169
Mount Morris	Charter Township	21,310	9.56	10.94	17.88	6.00	44.38	$ 3,329
Davison	Charter Township	19,373	10.07	3.35	15.91	6.00	35.33	$ 2,650
Fenton	Charter Township	15,408	10.07	2.08	15.47	6.00	33.62	$ 2,522
Mundy	Township	14,932	10.07	5.56	16.51	6.00	38.14	$ 2,861
Vienna	Charter Township	13,119	10.07	5.04	13.78	6.00	34.89	$ 2,617
Population of Ten Largest Units		**305,419**				**Average**	**42.74**	**$ 3,205**
As a % of County Total		**72%**						

* ACS 5-year estimate

Although the nonhomestead property tax rate had been fairly stable from 2000 to 2010, a more noticeable increase has occurred over the last few years (**Exhibit IV-5**). In 2013, the direct city millage increased from 16.1 to 19.1 mills with the addition of the 6 mill public safety millage and an elimination of a 3 mill waste collection millage.

As discussed in section II, property values in Flint have dramatically declined over the past four years. **Exhibit IV-6** shows a corresponding reduction in property tax revenues; receipts from property taxes in FY2014 were less than half those in FY2006, and less than 40% of their peak in FY2008. The deterioration of the property tax as a stable revenue source is especially clear given that less than 10% of General Fund revenues are dependent on property taxes in FY2014 compared to more than 18% five years prior.

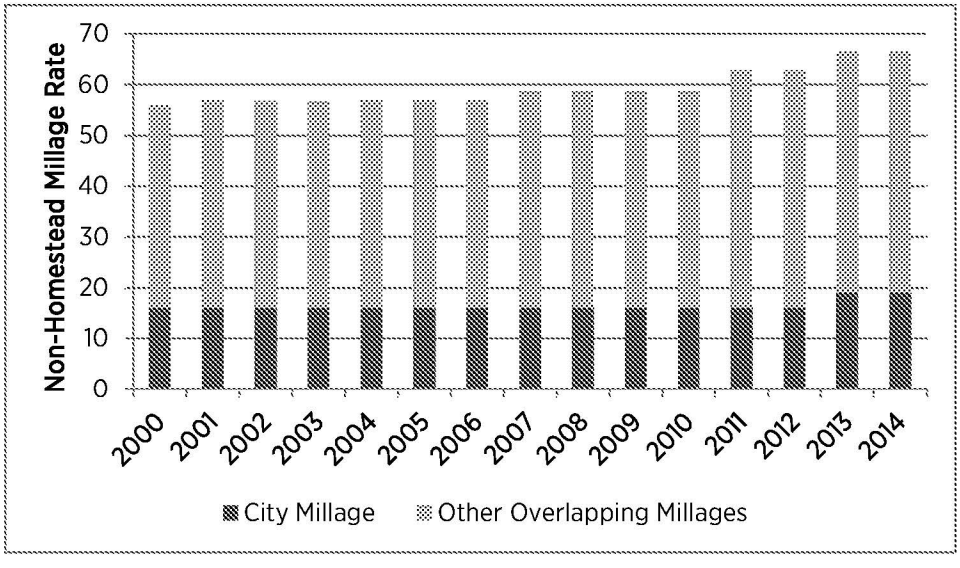


Exhibit IV-5 City of Flint Millage Rates
Data source: City of Flint Comprehensive Annual Financial Reports

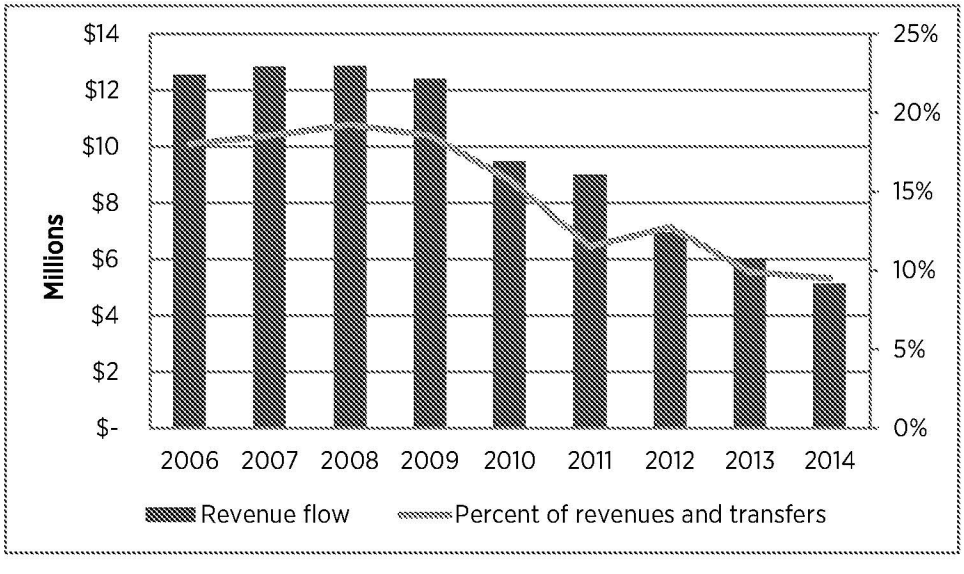


Exhibit IV-6 Flint Property Tax Revenue
Data source: City of Flint Comprehensive Annual Financial Reports

Income Tax

Of the 10 largest cities in Michigan, three are authorized to levy an income tax, including Flint. The income tax rate is 1% for city residents and 0.5% for non-residents. Income tax receipts steadily declined from FY2006 to FY2010 (**Exhibit IV-7**). Since FY2010, this revenue stream has stabilized and seen some slight growth, though it fell again in FY2014.

State Shared Revenue

State shared revenue is generated from a statewide sales tax. Revenue sharing to local governments consists of both constitutional and statutory payments. The constitutional portion is distributed on a population basis. The statutory portion of revenue sharing is defined by a formula based on a combination of population, taxable value per capita, and millage yield (a ratio of the taxable value per mill levied). Starting in FY2012, the statutory revenue sharing was replaced with the Economic Vitality Incentive Program (EVIP).[16] The EVIP allocates funding to cities, villages, and townships based on their ability to satisfy certain criteria, but relies on the old statutory program to determine participation and individual payment amounts. **Exhibit IV-8** shows the breakdown between the

Exhibit IV-7 Flint Income Tax Revenue
Data source: City of Flint Comprehensive Annual Financial Reports

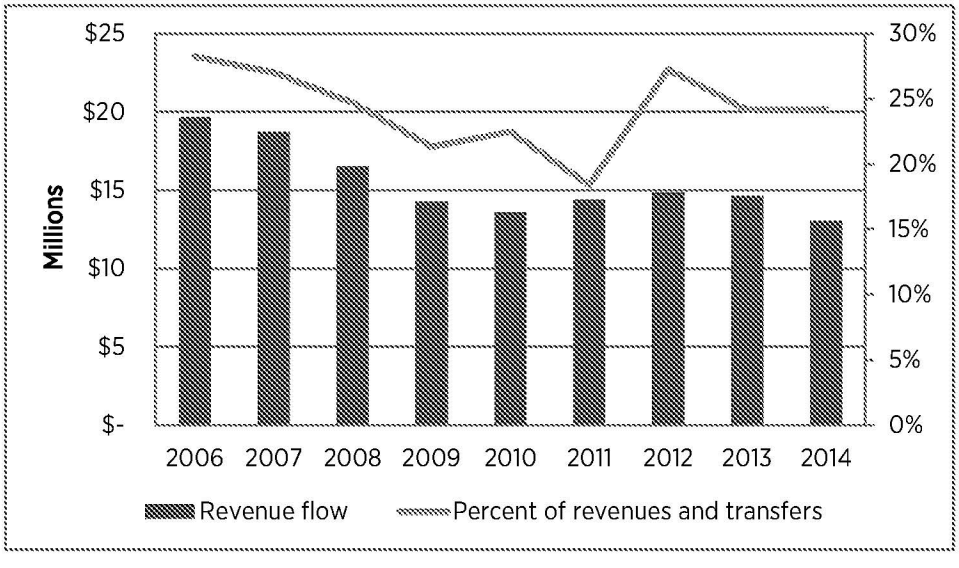
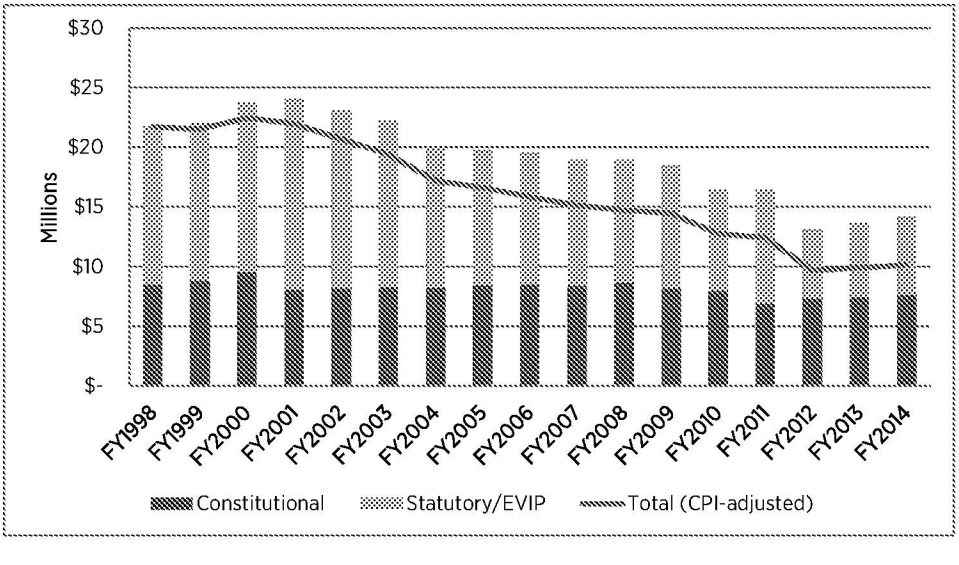


Exhibit IV-8 Breakdown of Flint State Shared Revenue
Data source: Michigan Department of Treasury



constitutional payments and statutory/EVIP payments to the City of Flint since FY1998. While constitutional payments have been fairly constant, there has been a substantial decline in statutory/EVIP payments.

Exhibit IV-9 displays the change in state shared revenue over time as reported in the city's financial audit reports.

Charges for Services

While all other revenue sources have been declining since FY2006, income from user fees and charges for services have actually increased on a nominal basis over the same period (**Exhibit IV-10**). Though it has fluctuated in recent years, the percentage of revenues and transfers from charges for services is still relatively high compared to FY2006. This is indicative of cities undergoing fiscal stress since they seek to replace the typical tax and intergovernmental sources with other revenue streams.

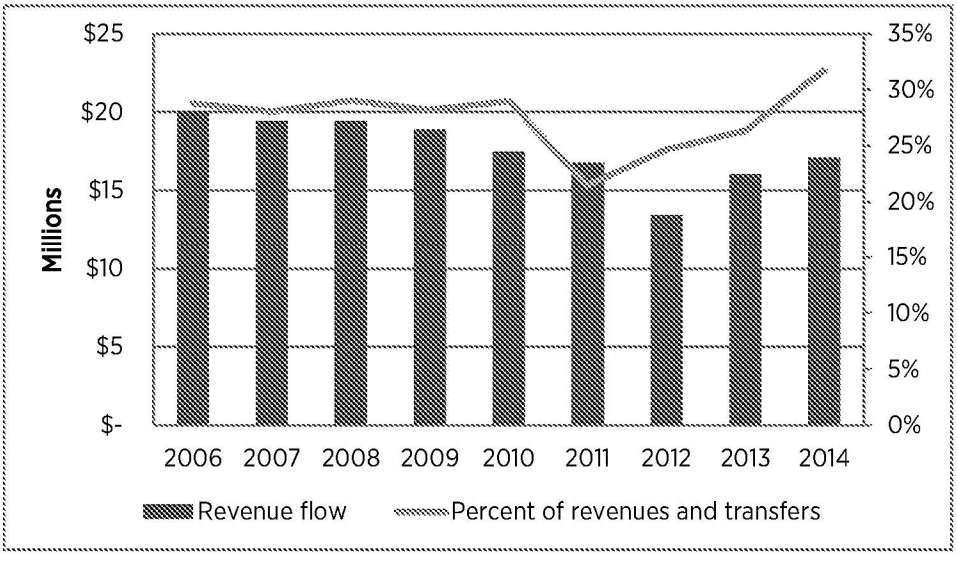


Exhibit IV-9 Flint State Shared Revenue Over Time
Data source: City of Flint Comprehensive Annual Financial Reports

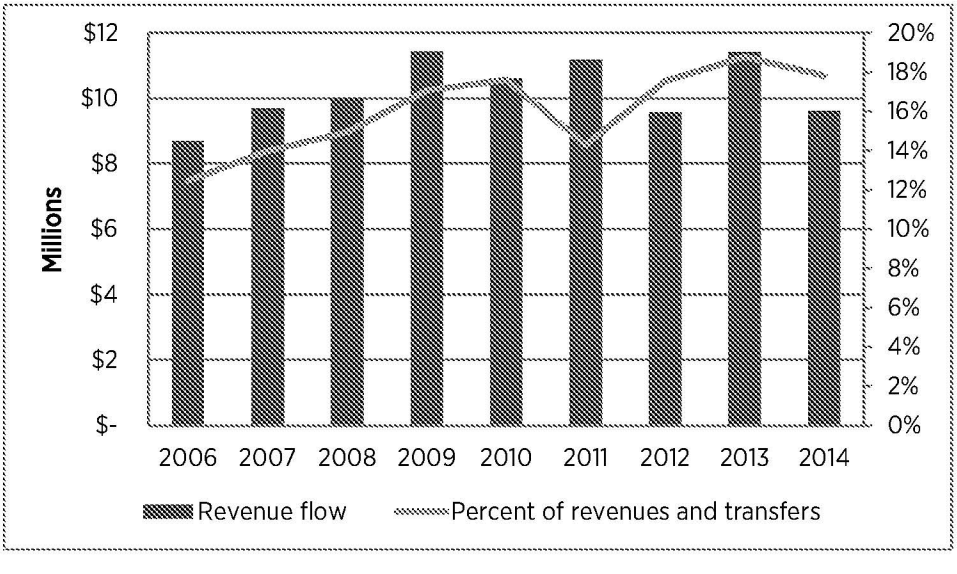


Exhibit IV-10 Charges for Services in Flint
Data source: City of Flint Comprehensive Annual Financial Reports

Expenditures

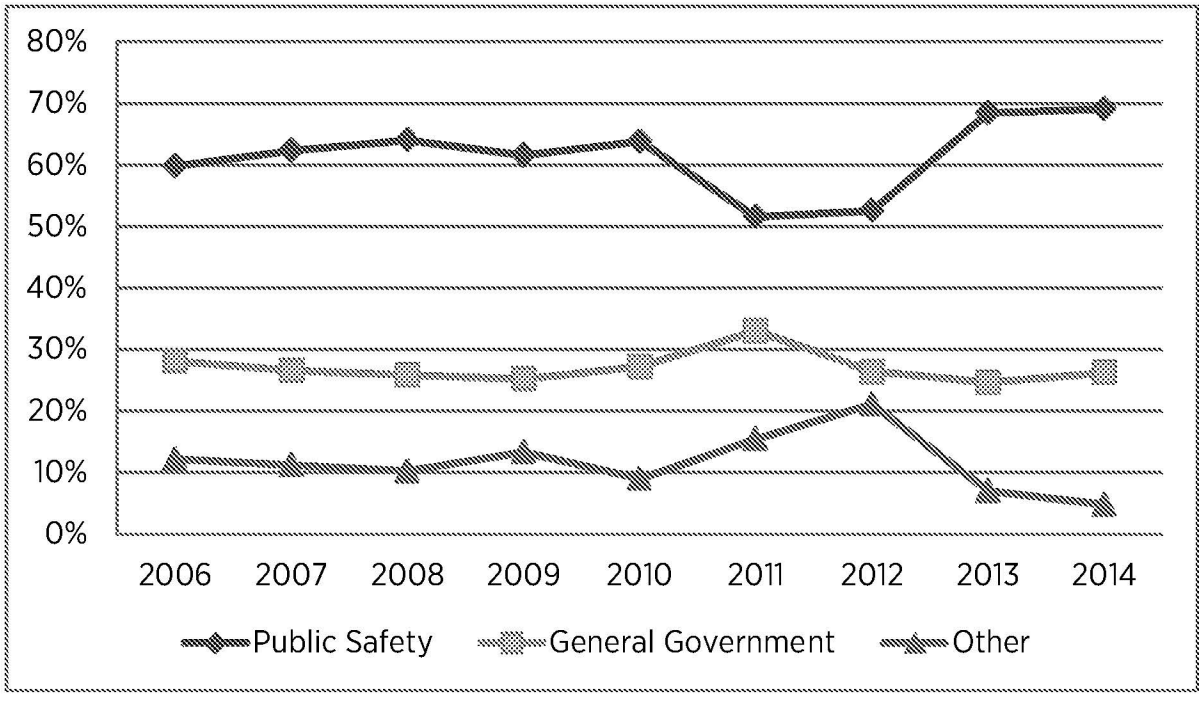
The primary General Fund expenditures are public safety and general government services. In FY2014, 69.1% of spending was allocated to public safety and 26.2% to general government (**Exhibit IV-11**). The following section will detail the spending in various categories for the city of Flint.

Public Safety

Public safety consists of the majority of the General Fund expenditures, and includes the following categories:

- Building inspection
- Combined public safety department
- Emergency dispatch
- Fire department
- Police department

Exhibit IV-11
Share of General Fund Expenditures in Flint
Data source: City of Flint Comprehensive Annual Financial Reports



As discussed in section III, during the November 2012 elections, the voters of Flint approved a 6-mill property tax increase for public safety with 57% approval.[xvii] The proposal also required that 55.5% of General Fund revenues be allocated to public safety budgets (**Exhibit IV-12**). Additional, temporary funding support includes:

- $6.9 million Staffing for Adequate Fire and Emergency Response (SAFER) grant from the Federal Emergency Management Agency (FEMA) awarded in 2012 to avoid laying off 32 fire fighters[11]
- $2.1 million in state funds granted in 2012 to re-open the city's lockup
- $1.8 million grant from the Michigan Department of Treasury Competitive Grant Assistance Program (CGAP) to install a communications tower in the city to expand radio coverage for police and firefighters awarded in April 2013

[11] This grant was awarded twice, but not renewed in 2014.

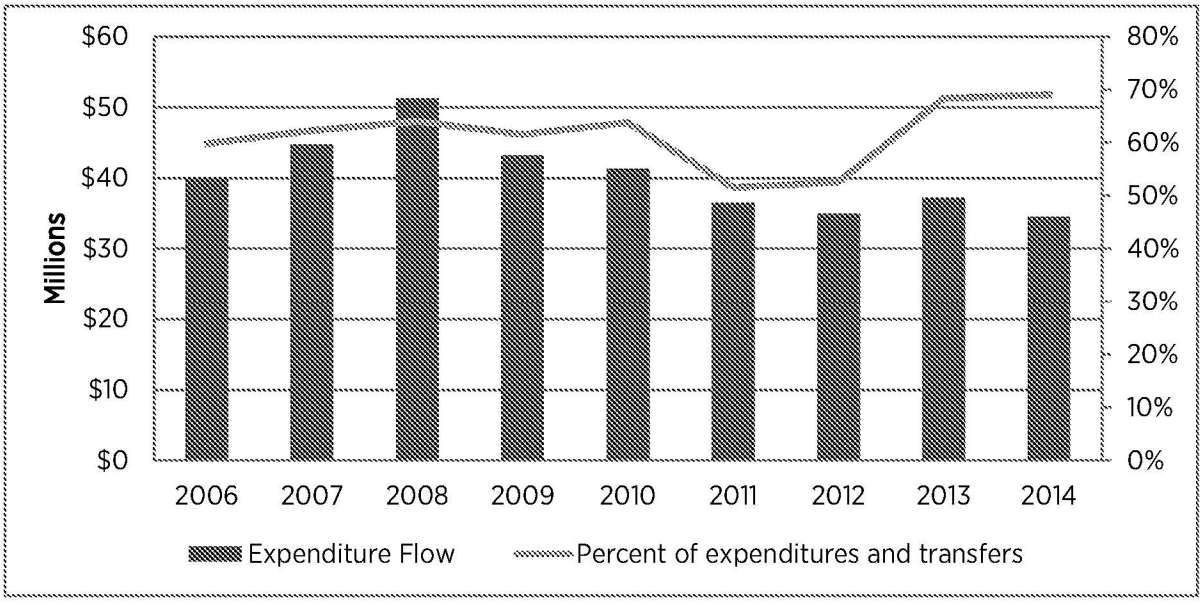


Exhibit IV-12
Flint Public Safety
Data source: City of Flint Comprehensive Annual Financial Reports

General Government

As of FY2014, general government expenditures include the following categories of local government operations:

- Mayor's office
- Finance
- Human relations
- City clerk
- Law office
- Human resources
- City administrator

Expenditures on general government have followed an overall decline since FY2008 (**Exhibit IV-13**). The exception in FY2011 was due to a settlement payment related to a lawsuit against the city regarding the sale of the Genesee Towers building.

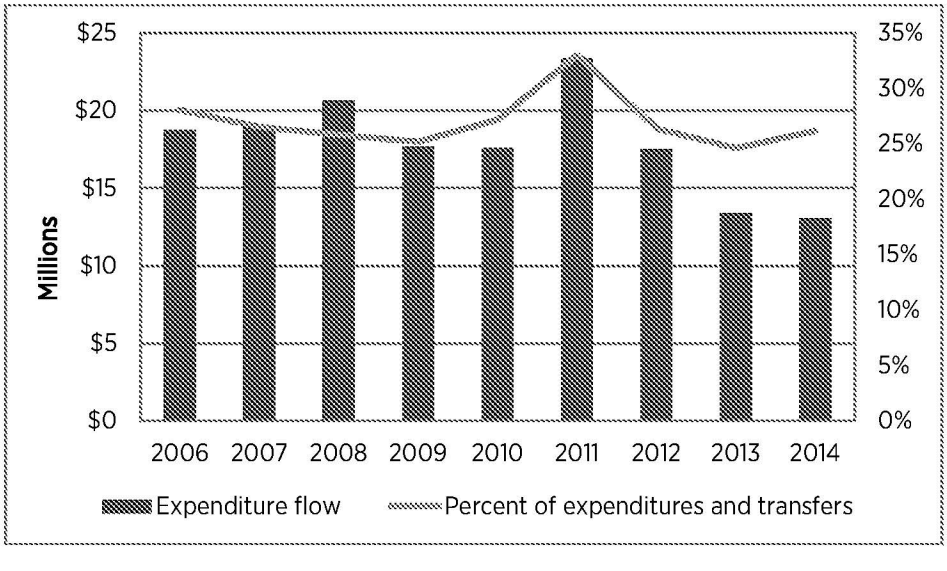
Special Revenue Funds

Revenues and expenditure trends for other governmental funds are shown in **Exhibit IV-14**. These include special revenue funds and debt service funds. As of FY2014, special revenue funds consist of the following types of funds:

- Major streets
- Local streets
- Neighborhood policing
- State Act 251 – forfeitures
- EDA Revolving Loan
- Public Improvement Fund
- Parks and recreation
- Senior citizen centers
- City park
- Building department
- Garbage collection
- Street light (special assessment)
- Public safety (special millage)

The city established a special assessment for streetlights in FY2013 to avoid making cuts to public safety. The public safety special millage was discussed in earlier sections of this report. As of FY2014, debt service includes funds from a

Exhibit IV-13 Flint General Government
Data source: City of Flint Comprehensive Annual Financial Reports



parking deck, Windmill Place, and Buick City. Relative to the General Fund, the city government has managed to keep expenditures in pace with revenues. About $6.5 million of the $10 million deficit in FY2011 was due to the Federal Grants Fund. The majority of the remaining deficit consisted of a $2.3 million deficit in the Major Streets Fund.

Proprietary (Enterprise) Funds

The City of Flint's two proprietary funds include water supply and sewer disposal operations. Prior to FY2012, Hurley Medical Center and the Golf Division were considered business-type activities as part of the city government under proprietary funds. However, starting in FY2012, the city began presenting Hurley as a separate component unit in the audit report, and in March 2012, the city entered into agreements with Flint City Golf, LLC, and the Mott Park Public Golf Course Association to operate the city's golf courses.

Historically, the City of Flint purchased Lake Huron water from the Detroit Water and Sewerage Department (DWSD). Per a resolution that authorized the sale of Drinking Water Revolving Fund bonds, the city government sets its water rates to cover expenses of the administration and operation of the water system. These expenses include the rates charged by the DWSD, which had increased on average by 10% per year. The rates must be sufficient to pay an amount equal to 125% of principal and interest on bonds and any other obligations. In January 2011, the city increased water and sewer rates by 25% and 22% respectively. Another increase of 35% on both water and sewer rates followed in September 2011 in order to meet these revenue requirements.

In April 2013, the city ended its contract with DWSD, and opted instead to contract with the Karegnondi Water Authority (KWA) to build a pipeline from Lake Huron to Genesee County. Effective October 1, 2013, the City of Flint entered into a contract to purchase water from the KWA, with the pipeline expected to be completed in July 2016. The city officially switched its water source to the Flint River in April 2014, to be used until the agreement with the KWA came into effect. However, the city and its residents have experienced several issues with water quality since then.[xviii]. Flint was awarded $2 million from the state through Michigan's Financially Distressed Cities, Villages, and Townships Grant Program to improve its water infrastructure and quality[xix].

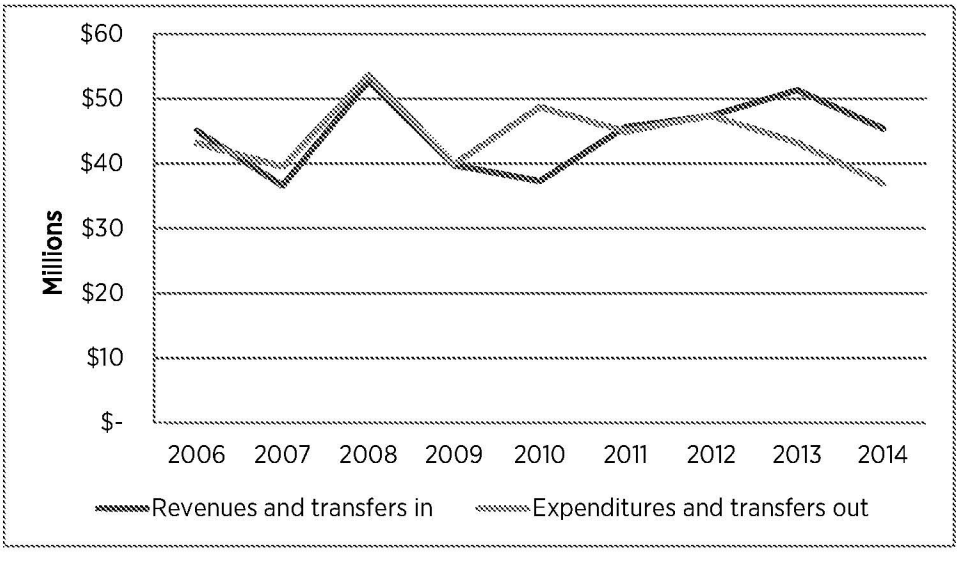


Exhibit IV-14 Other Flint Governmental Funds Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports

In general, the revenues and transfers into the water supply fund have exceeded expenditures and transfers out (**Exhibit IV-15**).

In contrast, the sewer disposal fund had seen major deficits annually up until FY2013 (**Exhibit IV-16**). One major contributor to the operating losses associated with this fund is internal borrowing by other funds. This will be discussed in more detail in section V.

Exhibit IV-15 Flint Water Supply Fund Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports

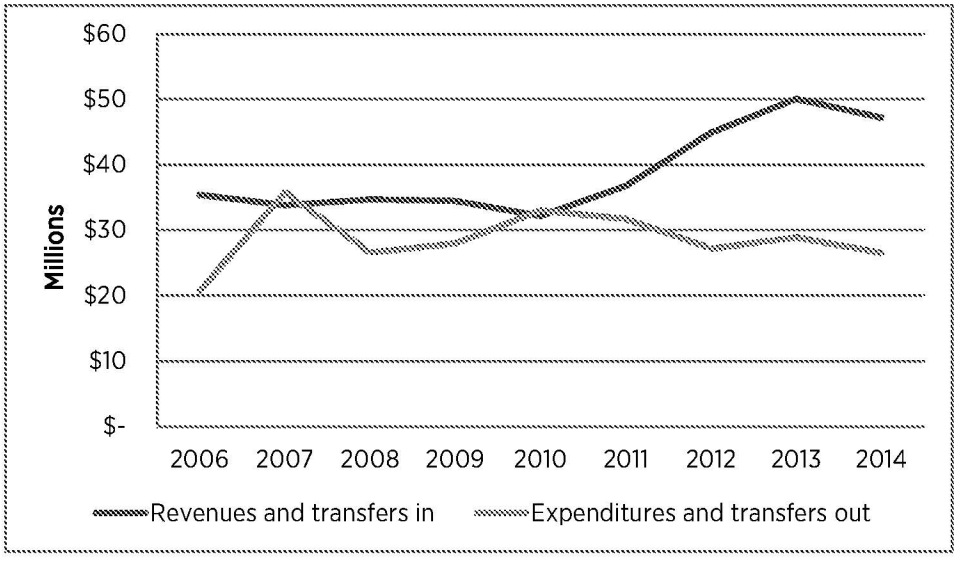
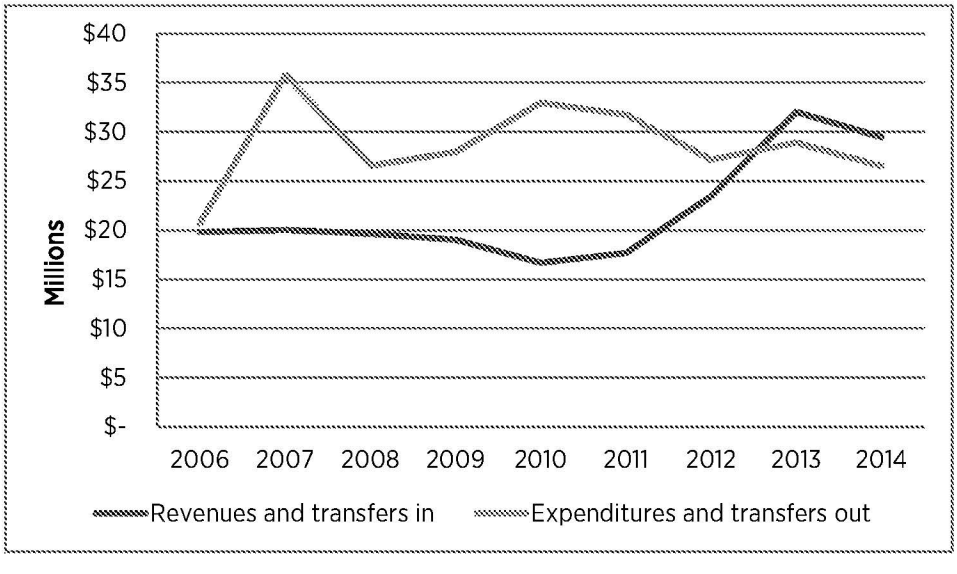


Exhibit IV-16 Flint Sewer Disposal Fund Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports



Internal Service Funds

The City of Flint allocates the internal service funds for data processing, fringe benefits, central maintenance garage, and self-insurance. Internal service funds should be self-sustaining through charges for services to other departments and funds. However, this is not always the case, as shown by the positive figures for "Transfers In" in **Exhibit IV-17**. The Central Maintenance Garage Fund received incoming transfers for six consecutive years. On average, these transfers amount to about 28% of operating costs annually. There was an exception in FY2013, in which the Central Maintenance Garage Fund issued an outgoing transfer to the Garbage Collection Fund in order to transfer proceeds related to the sale of city garbage trucks.

Exhibit IV-17 Flint Internal Service Fund Revenues and Expenditures (in thousands)
Data source: City of Flint Comprehensive Annual Financial Reports

Fiscal year	2006	2007	2008	2009	2010	2011	2012	2013	2014	Variation $	Variation %
Revenues and Transfers In											
Charges for services	$ 32,159	######	$ 41,269	$ 39,817	$ 35,715	######	######	$40,051	######	$ 22,931	71%
Transfers In	-	1,039	2,147	1,546	1,789	1,363	1,876	(1,500)	(1,072)	(1,072)	100%
Gain on Disposal of Capital Assets	-	-	-	-	-	-	-	1,047	155	155	
Investment Income	134	281	177	98	110	17	8	(83)	(6)	(139)	-104%
Revenues and transfers in	32,293	49,044	43,593	41,461	37,615	46,288	52,088	39,515	54,168	21,875	68%
Expenditures											
Data Processing	2,104	2,149	2,360	2,868	2,032	2,367	2,887	2,019	2,376	272	13%
Central Maintenace Garage	4,013	5,179	6,439	6,020	5,370	5,613	5,148	3,976	3,372	(641)	-16%
Self Insurance	2,770	17,715	5,180	3,173	2,028	8,706	3,813	2,387	1,399	(1,371)	-50%
Fringe Benefits	23,406	24,577	29,157	29,874	27,592	28,754	30,847	27,476	49,291	25,885	111%
Expenditures and transfers out	32,292	49,619	43,136	41,935	37,022	45,439	42,695	35,858	56,437	24,145	75%
Net change in	1	(575)	457	(474)	592	849	9,393	3,657	(2,269)		
Fund balance - beginning	2,856	2,856	2,281	2,738	2,264	2,857	3,706	13,099	16,756		
Fund balance - ending	$ 2,856	$ 2,281	$ 2,738	$ 2,264	$ 2,857	$ 3,706	$13,099	$16,756	$14,487		

V. Debt

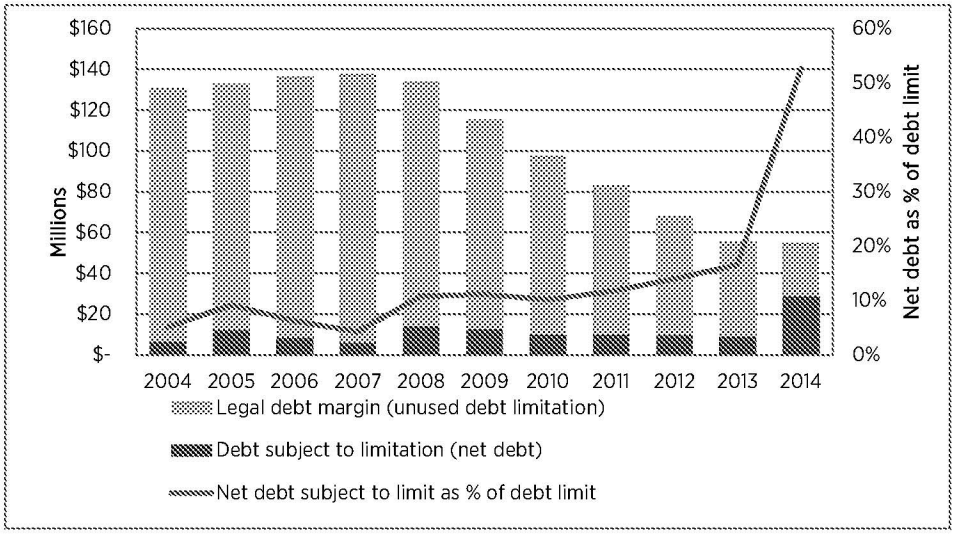
The City of Flint's bond rating has not been updated since the 2011 case study was written. The last bond rating was performed by Moody's Investor Service in February 2006. At that time, the City of Flint was assigned a rating of Ba1 with a stable outlook.

According to the city's financial audit reports, the City Charter limits net debt to 7% of the assessed value of the real and personal property in the city. **Exhibit V-1** discloses breakdown of the city's net debt limit since 2004. While the absolute amount of the city's debt has been fairly stable over time, the decline in property values in the city has closed the legal debt margin considerably (**Exhibit V-1**). As a result, the net debt as a percentage of the debt limit has jumped from about 4.3% in FY2007 to 16.6% in FY2013.

Many cities with chronic fiscal stress have a significantly large debt burden, which has not necessarily been the case for the City of Flint. The 2011 case study noted that this issue of fiscal distress was mainly due to the lack of capacity to issue debt or manage a long-term capital improvement program. In FY2011, the City made its final payment on an $8 million financial recovery bond issued in 2004 when it was operating under the authority of a state-appointed EFM. As noted earlier, the current level of fiscal stress has caused the City of Flint to seek $20 million fiscal stabilization bonds, of which it received $8 million. These funds are intended to address the chronic cash shortage and unfunded prior operating expenditures. Recurring cash shortages and the need to finance prior years' operations are often considered additional red flags indicating chronic fiscal stress.

Another symptom of chronic fiscal stress is an increased reliance on internal borrowing, another trend that has continued since the 2011 case study. When the City of Flint has difficulty obtaining external financing at a reasonable rate, cash from internal funds becomes a default source of borrowing. **Exhibit V-2** summarizes interfund borrowing activity since FY2006. The nature of this type of activity is generally related to operating transactions among funds. The City of Flint has used this to address cash shortages at the close of the fiscal year. The "Due to/from Other Funds" section is related to short-term loans, while the

Exhibit V-1 Flint Long-Term Debt Limit
Data source: City of Flint Comprehensive Annual Financial Reports



"Advances to/from Other Funds" is related to long-term loans. A concern arises when these balances are significant in dollar amounts and present for more than one year. The City of Flint's General Fund has relied on short-term interfund resources for seven out of the last nine fiscal years and long-term interfund resources since FY2012. As shown in **Exhibit V-2**, the primary lending fund for these transfers has been the Sewer Disposal Division Fund, which contributes to the fund's long-term structural deficit, as reported in **Exhibit IV-16** on page 26. The short-term balance of approximately $13.2 million at June 30, 2013, equates to almost 25% of General Fund revenues for FY2014.

In July 2012, the Flint City Council President, along with three other residents, filed a lawsuit against the city, claiming that the water and sewer rate increases in 2011 violated city ordinances.[xx] The claim was that because water and sewer funds have been transferred to the General Fund, additional funds raised had not been allocated toward their intended purposes. A Genesee County Circuit Court judge dismissed the case in June 2013, claiming that the rate increases were in compliance with Public Act 4, which granted legal power to emergency managers to make rate increases to reflect true operating costs.

As noted in the 2011 case study, advances among funds are often formalized in a written note with specific payment terms including an interest rate. The City of Flint has used advances to fund capital equipment purchases in its internal services funds. Such reliance on interfund borrowings may restrict the lending fund's financial flexibility and use of resources for the designated purpose. Recent advances from the Sewer Disposal Division Fund to the General Fund represent return on equity.

Exhibit V-2 Flint Interfund Borrowing for FY 2006 through FY 2014
Source: City of Flint Comprehensive Annual Financial Reports

Due to/from Other Funds									
Fiscal year	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Due to:									
Sewer Disposal Division Fund	**$ 10,371,382**	**$ 3,677,506**	**$ 20,161,971**	**$ 20,076,951**	**$ 15,532,804**	**$ 10,524,275**	**$ -**	**$ -**	**$ -**
Self Insurance Fund	-	15,700,000	16,505,386	11,533,250	-	-	-	-	-
Others	9,344	-	-	263,503	7,849,233	12,326,801	18,281,313	9,681,892	9,637,895
	$ 10,380,726	$ 19,377,506	$ 36,667,357	$ 31,873,704	$ 23,382,037	$ 22,851,076	$ 18,281,313	$ 9,681,892	$ 9,637,895
Due from:									
General Fund	**$ 7,279,154**	**$ -**	**$ 14,653,786**	**$ 17,169,931**	**$ 18,002,907**	**$ 14,491,155**	**$ 10,911,215**	**$ 6,312,097**	**$ 13,216,455**
Special Revenue Funds	1,987,245	1,977,579	2,915,148	2,470,945	3,024,856	3,426,800	2,929,238	2,518,595	-
Internal Service Funds	495,116	973,629	216,290	66,535	115,959	-	-	-	-
Pension Trust Funds	609,867	309,265	1,125,312	-	-	-	-	-	-
Enterprise Fund	-	413,729	1,251,435	369,540	1,387,115	708,044	3,589,660	-	-
Fiduciary	-	3,304	-	-	-	-	-	-	-
Sewer Disposal Division Fund	-	15,700,000	16,505,386	11,533,250	851,200	4,225,077	851,200	851,200	-
Others	9,344	-	-	263,503	-	-	-	-	-
	$ 10,380,726	$ 19,377,506	$ 36,667,357	$ 31,873,704	$ 23,382,037	$ 22,851,076	$ 18,281,313	$ 9,681,892	$ 13,216,455

Advances to/from Other Funds									
Fiscal year	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Advance from:									
Sewer Disposal Division Fund	**$ 5,251,361**	**$ 6,094,131**	**$ 4,940,753**	**$ 9,266,399**	**$ 2,426,749**	**$ 1,348,618**	**$ 10,522,453**	**$ 9,800,000**	**$ 2,660,000**
Water Supply Division Fund	-	-	-	-	-	-	1,000,000	1,000,000	1,130,000
	$ 5,251,361	$ 6,094,131	$ 4,940,753	$ 9,266,399	$ 2,426,749	$ 1,348,618	$ 11,522,453	$ 10,800,000	$ 3,790,000
Advance to:									
Internal Service Funds	**$ 4,539,404**	**$ 5,524,565**	**$ 4,513,579**	**$ 7,279,154**	**$ 2,426,749**	**$ 1,348,618**	**$ 522,680**	**$ -**	**$ -**
Enterprise Fund	711,957	569,566	427,174	1,987,245	-	-	-	-	-
General Fund	-	-	-	-	-	-	10,999,773	10,800,000	3,790,000
	$ 5,251,361	$ 6,094,131	$ 4,940,753	$ 9,266,399	$ 2,426,749	$ 1,348,618	$ 11,522,453	$ 10,800,000	$ 3,790,000

VI. Personnel Costs

Annual Earnings and Benefits

The City of Flint's payroll has declined by almost 1,000 full-time equivalent employees, about 63%, since 2001 due to attrition and downsizing (**Exhibit VI-1**). This breaks down to a 59% reduction in public safety employees and a 65% reduction in other city employees. The majority of this reduction has taken place since 2008.

Pension Benefits

The City of Flint has a defined benefit pension plan with a benefit that ranges from 1.7% to 2.6% of the participant's Final Average Compensation (FAC) based on the last three years of credited service, multiplied by the years of credit service based on the date of hire. Employees who retire at or after age 55 with 10 years of credited service (eight years for appointed officials) or those members with 25 years of credited service (23 years for police and fire employees), regardless of their age, are entitled to a retirement benefit. Certain police members can voluntarily retire at age 50 with 25 years of service. Benefits fully vest on reaching 10 years of service with the benefit payable at age 55. The plan requires employee contributions ranging from 0% to 9%.

Beginning in October 2012, the City of Flint closed out its single-employer plan and transferred approximately $270 million of assets to the Michigan Municipal Employees' Retirement System, an agent multi-employer plan that covers substantially all employees of city government. The City of Flint's unfunded pension liability is $241 million, as of its most recent actuarial valuation.

Defined benefit plan pension benefits are determined by following a three-part formula:

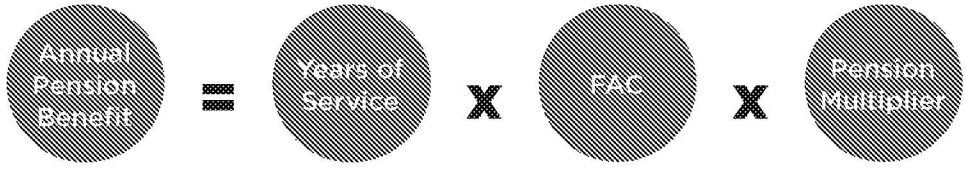
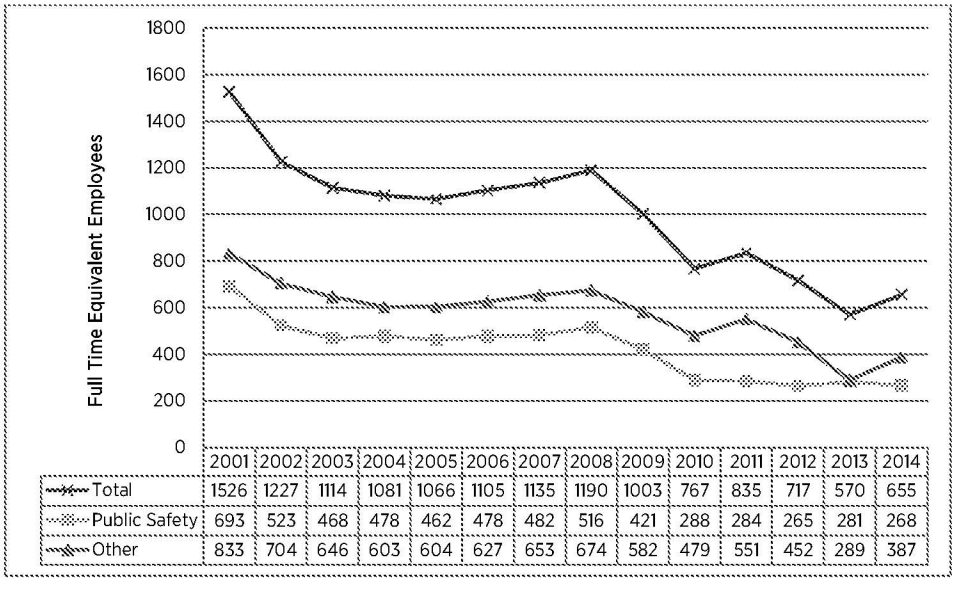


Exhibit VI-1 Flint Full-Time Equivalent Employees
Data source: City of Flint Comprehensive Annual Financial Report



	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total	1526	1227	1114	1081	1066	1105	1135	1190	1003	767	835	717	570	655
Public Safety	693	523	468	478	462	478	482	516	421	288	284	265	281	268
Other	833	704	646	603	604	627	653	674	582	479	551	452	289	387

Years of Service – Years of service is based on actual employee service, although sometimes the employee or employer may "buy" years of service at an actuarially determined cost. Unless this is fully funded in advance, it increases the long-term liability.

Final Average Compensation (FAC) – The final average compensation is the average of wages or salary paid to the employee based on a predetermined number of years. Identifying what type of compensation is included in the FAC is important. If it includes overtime, vacation leave payout, longevity, and other pay items, the cost to the employer increases. When the FAC is determined using fewer years, typically the benefit is higher since it is based on highest years. When the FAC period is very short, even small increases in overtime, compensatory time payout, or accrued leave time payout will increase the pension. This is the reason some retirees' actual pension benefits are higher than their regular full-time pay as active employees.

Pension Multiplier – The pension multiplier represents a percent of pay for each year of service.

A cost of living adjustment (COLA) provides an annual increase in benefit retirement. A COLA benefit of E2 provides a 2% annual increase in pension for retirees. Granting automatic pension increases can further constrain future administrations. Employers typically have a pension plan design where they may instead grant a one-time COLA adjustment to retirees.

The proportion of the Annual Required Contribution (ARC) that the city government has contributed to cover pension expenses has improved over the past several years (**Exhibit VI-2**). For every year since FY2009, the City of Flint has contributed at least the ARC amount.

Flint's pension Unfunded Accrued Actuarial Liability (UAAL) has increased from $194 million in 2006 to $323 million in 2011, which was the time of the last actuarial valuation (**Exhibit VI-3**). The funded ratio fell during this time from 81% to 61%.

Exhibit VI-2 Flint Pension – Actual vs. Annual Required Contribution

Data source: City of Flint Comprehensive Annual Financial Reports

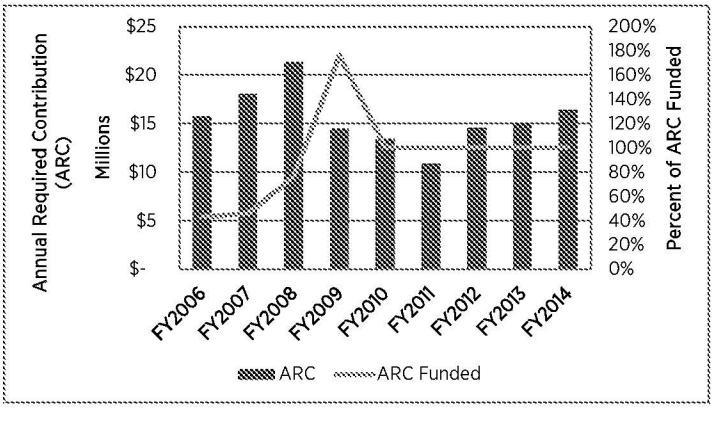
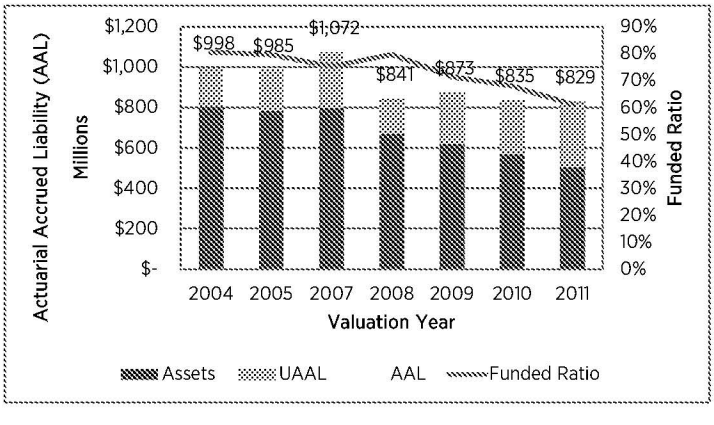


Exhibit VI-3 Flint Pension Funding Status

Data source: City of Flint Comprehensive Annual Financial Reports



Other Post-Employment Benefits

The City of Flint contributes to other post-employment benefits (OPEB) for public safety and general employees under collective bargaining agreements of Local 1799, Local 1600, and Fire Local 352. The proportion of the ARC that the city has paid to cover OPEB expenses has improved over the past couple years, from 31% in FY2011 to only 114% in FY2014 (**Exhibit VI-4**).

Since its actuarial valuation in 2006, the City of Flint's unfunded OPEB liability has been cut by $468 million. The city government began advance funding its OPEB plan in FY2012, which has been reflected in its 2012 actuarial valuation. As of this valuation, the plan is 0.1% funded, though that dropped to 0% in the 2013 valuation (**Exhibit VI-5**).

Exhibit VI-4 Flint Other Post-Employment Benefits – Actual vs. Annual Required Contribution
Data source: City of Flint Finance Department and Comprehensive Annual Financial Reports

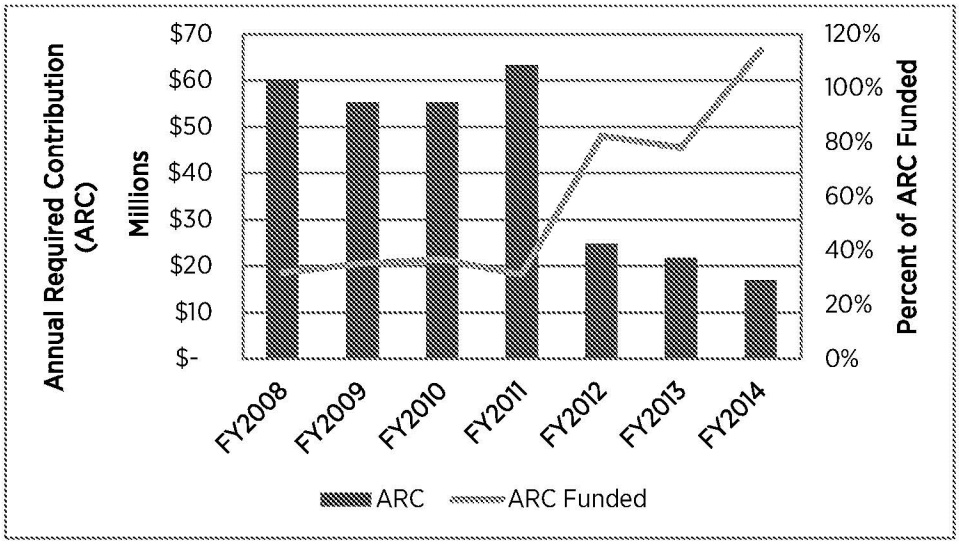
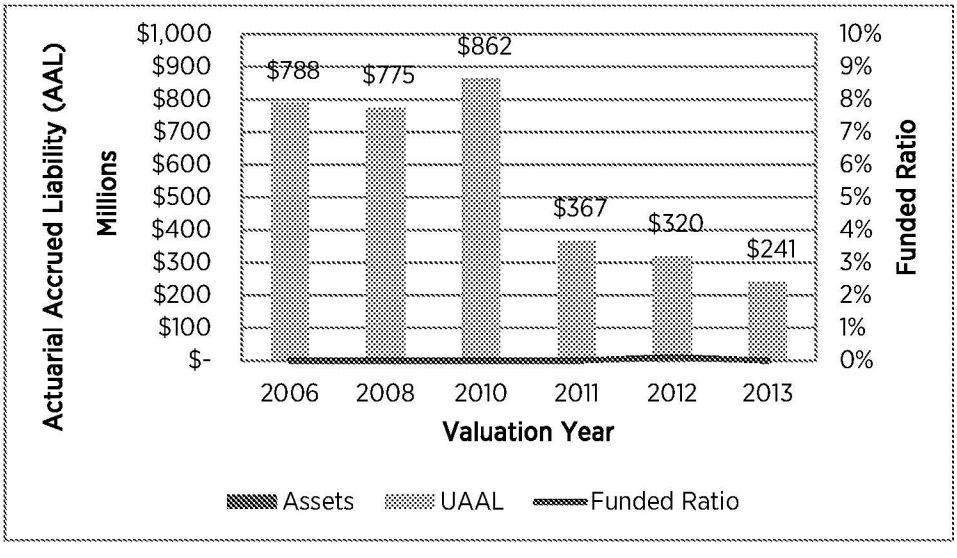


Exhibit VI-5 Flint Other Post-Employment Benefit Funding Status
Data source: City of Flint Comprehensive Annual Financial Reports



VII. Conclusion

On April 30, 2015, Gov. Rick Snyder rescinded the financial emergency in Flint and restored home rule and the power of the city's elected officials. It had been more than 10 years since the last time such an event occurred in Flint in the summer of 2004. Many questions still continue to swirl around the city's fiscal and economic future. A review of the reforms and changes that occurred since the appointment of an emergency manager in 2011 is a useful starting point for the city to understand the future fiscal trajectory it faces. This review will allow local and state officials to assess the reforms and changes in place and shape the future fiscal policy of the city of Flint, Michigan.

Changes implemented by the four emergency managers appointed to oversee Flint's finances were aimed at reducing the city's considerable budgetary deficit through reducing its financial obligations, especially pensions and other retiree benefits, while increasing city revenue. Some of the most significant changes have impacted the employees and retirees of the City of Flint. These two groups were the most important creditors of the city government. They remain so. Like many city governments in Michigan, Flint does not carry a large debt burden outside of water and sewer borrowing. This means that city retirees and employees are the groups owed the most by the city government and therefore, will be the most directly impacted during a financial reorganization following a fiscal crisis.

The structure of the city government was changed, with staffing reduced by 20%. A city administrator, who will serve as the city's chief administrative officer, was hired on a five-year contract. Among other responsibilities, the city administrator has the authority to negotiate collective bargaining agreements with the city's employee unions.

Reforms were also made to the way the city's budgeting practices, requiring two-year budgeting and three-year financial forecasts to be performed annually. This will allow city officials to identify and potentially deal with budgetary issues before they occur. The city government also adopted a master plan for the first time since the 1960s. The master plan identifies a vision for the city. It was developed with considerable input from the residents of Flint.

The electorate of Flint passed a referendum to have a Charter Review Commission put in place in the summer of 2015. The nine-member commission was elected in May of 2015. It will review the entire charter and assess options for reform. This is an excellent opportunity for the commission and the citizens of Flint to evaluate the current charter and determine a path forward for the city government that includes short-and long-term solvency.

The emergency manager signed a number of final orders before leaving office in April 2015. These orders involved the city council including agenda and meeting dates. They also included setting the special assessment for street lighting, restoring mayor and city council compensation, and adopting a set budget for FY 2016 and 2017. In addition, they included an order ensuring compliance with the so-called hard cap section of PA 152 of 2011 stating that the city shall not pay more than 80% of employee healthcare plans.

The final and perhaps most important order of the Flint emergency manager was issued on April 30, 2015. The overall purpose of the order is to ensure that the mayor and city council shall implement reforms and changes to maintain the fiscal stability of the city government. These provisions included following the recommendations of the Receivership Transition Advisory Board (RTAB) and city administrator. Specific other actions include 1) fully funding the annual pension requirement, 2) not interfering with city employees, 3) observing the budget ordinance, 4) ensuring all local laws are consistent with state laws, 5) not issuing debt without approval of the RTAB, 6) documenting all city liabilities, 7) verifying the appropriate eligibility requirements of all official city positions, 8) acting expeditiously on all economic development projects, and 9) reviewing and acting expeditiously on all intergovernmental cooperation initiatives by the city administrator. All of these provisions are intended to ensure that the city government, as dictated by the mayor and city council, follow certain practices and recommendations that are intended to maintain fiscal stability and solvency. These types of provisions were not in place after the 2002-04 crisis.

The city administrator is also subject to a number of provisions in the final EM order. These provisions include 1) overseeing day-to-day operation of city government, 2) negotiating and recommending changes to bargaining unit contracts to the RTAB, 3) submitting regular reports on city progress, 4) ensuring full compliance with PA 436 of 2012, 5) not removing city administrator without approval of RTAB, 6) observing all purchasing order ordinances, and 7) serving as primary interface between city council and city employees. Again, all of these provisions are meant to ensure the fiscal stability of the city government.

The changes made by the emergency managers have improved Flint's financial position. The general fund deficit was reduced from its peak of over $19 million in FY2012 to just over $8 million in the most recent fiscal year. The city has applied for a $7 million loan from Michigan's Emergency Loan Board, which would effectively eliminate

this deficit. Pension and OPEB liabilities have been significantly reduced, and reforms to employee collective bargaining agreements have reduced future legacy costs. Other cost-saving measures include transferring emergency dispatch to Genesee County and contracting out waste collection.

Despite the progress made since a fiscal emergency was declared in 2011, the City of Flint still faces considerable challenges to its fiscal solvency. Outgoing emergency manager Jerry Ambrose mentioned some of these in his final letter, including the lawsuit filed on behalf of Flint's retirees over changes made to their healthcare benefits, the structural deficit that still exists in the city's financial projections, challenges to fund the city's public safety needs, and the city's ageing infrastructure.

The overall Flint fiscal playbook that has been enacted by the state government and its emergency managers serves as an important template for these types of interventions.[12]

The first part of the playbook is that any reforms or changes must be in reference to the largest component of the fiscal problem, which in this case related to liabilities owed to employees and retirees. Many important changes were made to wages and compensation, pension system benefits, medical benefits and other such liabilities. Of equal or perhaps greater importance, there are a number of safeguards now in place to ensure that these changes remain in place for a long period. Any adjustments to these reforms must go through the city administrator and the RTAB. These safeguards are obviously meant to prevent any backsliding to previous wage or benefit levels. It is this type of activity that led to the most recent crisis, as changes made by the emergency financial manager in 2004 were not kept in place and most of those changes were rescinded by the elected officials between 2004 and 2011. Those changes, combined with the worst recession since the Great Depression, meant that the city faced short- and long-term fiscal insolvency in 2011.

[12] This statement is not meant as recommendation or approval for the state emergency manager law. There are many dimensions upon which the state emergency manager should be assessed. This statement is simply meant to reflect that, in following this path, the Flint experience, with one of the state's largest cities, may be an important reference point.

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Endnotes

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From: Workman, Wayne (TREASURY)
Sent: Monday, September 14, 2015 5:36 PM
To: Muchmore, Dennis (GOV); Saxton, Thomas (Treasury)
Subject: Fwd: Flint Water Request
Attachments: Flint Mayor Water Request.pdf; ATT00001.htm

We are talking at 4:00 Tuesday about their failure to timely appeal the Kincaid lawsuit. What is he thinking?

Sent from my iPad

Begin forwarded message:

From: "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>
Date: September 14, 2015 at 5:07:02 PM EDT
To: "Roberts, John (DTMB)" [redacted]
Cc: "Khouri, Nick (TREASURY)" [redacted] "Saxton, Thomas (Treasury)" <SaxtonT@michigan.gov>, "Workman, Wayne (TREASURY)" <WorkmanW@michigan.gov>, "Posthumus, Dick (GOV)" <Posthumusd@michigan.gov>, "Hollins, Harvey (GOV)" <hollinsh@michigan.gov>
Subject: FW: Flint Water Request

Great, we have a lot of money laying around...

From: Dayne Walling [mailto:dwalling@cityofflint.com]
Sent: Monday, September 14, 2015 4:17 PM
To: GovernorsOffice <[redacted]; Snyder, Rick (GOV) <[redacted]
Cc: Joshua Freeman <jfreeman@cityofflint.com>; senjananich@senate.mi.gov; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Phil Phelps <philphelps@house.mi.gov>; SheldonNeeley@house.mi.gov; Hedman, Susan <Hedman.susan@epa.gov>; Natasha Henderson <nhenderson@cityofflint.com>
Subject: Flint Water Request

Dear Governor,
I am renewing my call for additional funding to address Flint's water challenges. While significant progress has been made, with the fiscal stress and pending lawsuits against the City, there is a gap in the funds necessary to meet the adopted capital improvement plan and to respond to new needs with lead pipes. Attached is a letter of request. I thank you in advance for your willingness to review.

Sincerely,
Mayor Walling

--
Dayne Walling
Mayor, City of Flint
City Hall, 1101 S. Saginaw St.
Flint, MI 48502

810-766-7346
mayor@cityofflint.com
www.cityofflint.com
follow me on twitter at http://twitter.com/mayorwalling

CITY OF FLINT

Dayne Walling
Mayor

September 14, 2015

The Honorable Rick Snyder
Governor, State of Michigan
P.O. Box 30013
Lansing, MI 48909

RE: Call for Additional Support for Flint Water Improvement Plan

Dear Governor Snyder:

On behalf of the Flint community, I am writing with a renewed request for additional support to address Flint's water challenges to ensure that water is affordable and secure for everyone in Flint especially our vulnerable populations. I am asking for an additional $30 million in funds for Flint's infrastructure and a new healthy homes initiative.

Significant progress has been made throughout this year to increase water safety and quality and I thank you for the involvement of your office, the Michigan Department of Environmental Quality, and the Michigan Department of Treasury. A majority of items in the Water Improvement Plan are completed or underway. Most importantly, Flint is now in compliance with the Safe Drinking Water Act due in large part to the installation of the new carbon filter. The infrastructure systems are being made more secure and efficient through the State grants. Now the City is committed to following the recommendation of the Michigan Department of Environmental Quality to optimize the treatment process, reduce corrosion and further minimize risks from lead.

The need to accelerate the City's capital improvement investments remains and has been further increased by the continued financial stress and legal issues. Previously I requested support for replacement or forgiveness of payment to the Drinking Water Revolving Loan Fund due to Flint's status as a distressed community and the gap in funding in the adopted capital improvement plan. I understand that the existing federal law does not allow the existing Drinking Water Revolving Loans that Flint is carrying to be forgiven in retrospect but the need still exists. Flint owes approximately $20 Million. One solution is for the State to grant a new $20 Million that is designed as forgivable from the start. Another solution is to provide

equivalent funding through an expansion of the grant program to Michigan's Financially Distressed Cities, Villages and Townships with a supplemental budget amendment in cooperation with the State Legislature.

The community's heightened concern about lead leeching into the water from old service lines and home plumbing also needs to be addressed. We know that lead is an environmental contaminant and there have been many programs in place over the years to address sources in paint and pipes. Flint needs a new healthy homes initiative specifically focused on lead in water with $10 Million to start the process of replacing service lines for the most vulnerable households. Regardless of the source and treatment of Flint's water, this long term threat of lead in pipes needs to be removed in the interest of public health.

My approach continues to be to work with you and your appointed officials, State Senator Ananich, State Representatives Phelps and Neeley, Congressman Kildee, community groups, businesses, churches, foundations, the Flint City Council, and all of the City of Flint and State and Federal government personnel. We need every available expert and resource to address Flint's water problems.

Flint's safety is my top priority. Just as the City and State have worked together on public safety, we need additional support for fixing the water problems. We need $30 Million in new funds to repair and update the city-wide infrastructure and to assist households in becoming lead-free. The entire Flint community deserves sustainable, safe, secure and affordable water now and into the future. Thank you for the consideration Governor and I look forward to future discussions.

Sincerely,

Dayne Walling
Mayor, City of Flint

CC: Flint City Council President Joshua Freeman; Congressman Dan Kildee; State Senator Jim Ananich; State Representative Sheldon Neeley; State Representative Phil Phelps; EPA Regional Administrator Dr. Susan Hedman; Chief of Staff Dennis Muchmore

CITY OF FLINT

Dayne Walling
Mayor

January 18, 2015

The Honorable Rick Snyder
Governor, State of Michigan
P.O. Box 30013
Lansing, MI 48909

RE: Flint Water Improvement Plan

Dear Governor Snyder:

On behalf of the Flint community, I am writing to convey serious concerns about water quality and to request your support for my proposed Flint Water Improvement Plan. Access to safe and clean water is a basic human right, and, therefore, policy and budget decisions need to ensure that water is affordable and secure for everyone in Flint and all across Michigan. It is essential there is City, State and Federal cooperation to address the challenges here and to meet the needs of vulnerable populations.

The Flint Water Improvement Plan is focused in five areas: safety, quality, access, investment and education. The plan puts safety and quality first because this is fundamental. It is designed to be a sustainable solution for the City of Flint and the community as we move towards a new permanent water supply from Lake Huron through the Karegnondi Water Authority. My plan offers new ideas and also builds on successful models of utility, energy and assistance programs at the State and Federal levels.

Safety & Quality

- 100% Safety is the standard
- City of Flint reports testing data to the public to assure safety and expands testing sites and frequency
- Bring on experienced river water treatment operational management in the City of Flint

Access

- Announce an amnesty program for Flint water service turn-ons and reduce the turn-on fee
- Develop a revised affordable payment plan policy to encourage customers to return
- Design Federal and State partnership to establish new Drinking Water Emergency Assistance Fund for the elderly and vulnerable families

Investment

- Accelerate water system improvements outlined in the City of Flint Capital Improvement Plan through Federal and State investments
    - State approves City of Flint's Distressed Cities Fund applications

- Federal and State support for replacement or forgiveness of payment to the Drinking Water Revolving Loan Fund due to Flint's status as a distressed community
- Federal and State grants for infrastructure improvements in alignment with the Flint Master Plan.

- City Water Department implements budgeted FY15 projects including leak detection, valve repairs, new pipes and meter replacements

Education

- Develop a community partnership with universities to provide household and business customers with information on testing and conservation
- Ongoing partnership with Michigan Department of Human Services, United Way, Salvation Army and community organizations to provide information and water assistance with the Keep the Water Flowing Fund and support services
- Expand youth energy initiative to assist households with conservation and efficiency (piloted in summer 2014 with Northwestern High School students, EcoWorks and Consumers Energy)

It is also critical to restore the public confidence in Flint Water. The implementation of this plan must be accompanied by extensive community engagement including local elected officials. My objective is to work with you and your appointed officials, State Senator Ananich, State Representatives Phelps and Neeley, Congressman Kildee, community groups, businesses, churches, foundations, the Flint City Council, and all of the City of Flint and government personnel.

It is imperative that we communicate better and provide residents more information. I understand representatives from the Michigan Department of Environmental Quality will be joining a public forum this week at City Hall. This engagement going forward is vital so thank you for supporting their efforts. I think this issue of transparency is important for communities all across the State. I recommend a review of the applicable laws and policies and, at a minimum, a new requirement that water testing data be reported publicly no less than quarterly by law in all Michigan communities in Flint's population category.

Thank you for the consideration Governor. There is nothing more important in Flint right now than fixing the water problems. We must work together to identify funds to repair and update the water treatment facilities and city-wide infrastructure and to help those persons without access to clean water so that the entire Flint community has sustainable, safe, secure and affordable water now and into the future. This is an important issue for the state of our State of Michigan and I urge you to work with us to implement solutions.

Sincerely,

Dayne Walling, Mayor
City of Flint

CC: Flint City Council President Joshua Freeman; Congressman Dan Kildee; State Senator Jim Ananich; State Representative Sheldon Neeley; State Representative Phil Phelps; Flint Emergency Manager Jerry Ambrose

From: Andrew Leavitt <ALeavitt@senate.michigan.gov>
Sent: Tuesday, September 22, 2015 4:09 PM
To: Muchmore, Dennis (GOV)
Subject: Re: Flint Water

Thanks I have been digging through clips as well. For clarity, what specifically should interest me?

Sent from my iPhone

On Sep 22, 2015, at 4:03 PM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

> I thought you might be interested in this article from early 2013.

Flint City Council approves resolution to buy water from Karegnondi, state approval still needed
By Dominic Adams | dadams5@mlive.com
on March 25, 2013 at 10:45 PM, updated March 26, 2013 at 1:28 AM
FLINT, MI – Flint is one step closer to getting its water from Lake Huron as part of the Karegnondi Water Authority.
The vote, approved 7-1 at the Flint City Council meeting Monday, March 25, may have set in motion the end to Flint paying to get its water from Detroit.
Under the proposal, Flint would get 16 million gallons per day of raw water from Lake Huron, pipe it to Flint for treatment and then sell it to customers throughout the city. Another 2 million gallons per day would come from the Flint River and will be treated in Flint.
Mayor Dayne Walling said the Department of Environmental Quality must approve Flint's getting 2 million gallons per day from the Flint River.
Tuesday's meeting followed weeks of discussions and special meetings surrounding the resolution.
"We got there," Councilman Joshua Freeman said. "That's the important thing."
There were more than 50 people at Monday's meeting.
"Going with Karegnondi is the best decision. We have no opinion on the economics of the decision," said Rebecca Fedewa, Flint River Watershed Coalition executive director. "If we start drawing water out of the Flint River, we are at risk of having to start releasing water from our reservoirs."
Genesee County Drain Commissioner Jeff Wright said the decision must still be approved by a county water and waste advisory board. The KWA board will then be reconvened for final approval.
Wright said construction could start in May.
State treasury officials still must approve the city council's move because Flint has an emergency financial manager. All expenditures over $50,000 must be approved.
Genesee County Drain Commissioner Jeff Wright has said that Flint would pay roughly $6.4 million annually for water service if it joined the pipeline – a nearly $4 million savings on what it pays Detroit for water.
Walling previously said the city would save $19 million over eight years by

getting water from the KWA.
"It's a historic night in the City of Flint," Walling said. "The savings will be less with the capacity level approved by city council because there will be increased treatment cost for the river water."
He said the DEQ told the city it needed to get 18 million gallons per day or there would have to be additional work done at Flint's water plant.
Flint's water plant and the Flint River is currently the backup for Flint and Genesee County, however, the plant only operates four times per year.
Councilman Bryant Nolden was the lone dissenting vote.
"It was a protest vote," Nolden said. "I knew they had enough votes. I just feel like the Flint River is our best option."
Karengnondi is the regional water authority that includes Genesee, Lapeer and Sanilac counties and the cities of Flint and Lapeer.
Flint is the second municipality, behind Genesee County, to officially decide to purchase raw water through the KWA. Lapeer city officials said they intend to purchase water, but an agreement has been finalized.
Dominic Adams is a reporter for MLive-Flint Journal. Contact him at dadams5@mlive.com or 810-241-8803. Follow him on Twitter, Facebook or Google+.

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From: Scorsone, Eric <scorsone@anr.msu.edu>
Sent: Tuesday, October 27, 2015 11:18 AM
To: [redacted] Khouri, Claire (GOV); Alicia Kitsuse (akitsuse@mott.org); Andy Dillon (adillon@conwaymackenzie.com); Anne Blankenhorn (ABlankenhorn@senate.michigan.gov); [redacted] avanderberg@miottawa.org; [redacted] blarkin@flintandgenesee.org; [redacted] bstibitz@michigan.gov; [redacted] CKINNS@osc.state.ny.us; [redacted] cthiel@crcmich.org; [redacted] Dennis Muchmore [redacted] (pospiechd@detroitmi.gov); [redacted] Hollins, Harvey (GOV); Heather Shawa-DeCook (hsd@LBWL.COM); [redacted] Jacques, Ingrid (IJacques@detroitnews.com); [redacted] erome Pokorski (jpokorski@waynecounty.com); [redacted]; kocherp@dor.state.ma.us; Khouri, Nick (TREASURY); Bouffard, Karen [kbouffard@detnews.com]; [redacted] Bouffard, Karen [kbouffard@detnews.com]; [redacted] karen.pierog@thomsonreuters.com; [redacted] David Massaron (MassaronD@detroitmi.gov); [redacted] Mike Brown (Mike.Brown@primacivitas.org); [redacted] Derek Melot (melot@micounties.org); [redacted] Muchmore, Dennis (GOV); [redacted] (maria.amante@debtwire.com); [redacted] (publisher@lansingcitypulse.com); [redacted] Schafer, Suzanne K. (Treasury); [redacted] Iris; scurrie@micounties.org; [redacted] Shavi Sarna/TAS/EYLLP/US [redacted] Neff, Thomas (Thomas.Neff@dca.nj.gov); Timothy J. Cunningham (timothy.cunningham@dca.nj.gov) (timothy.cunningham@dca.nj.gov); Tim Daman; theresa.singleton@phil.frb.org; [redacted] Workman, Wayne (TREASURY); Wooten, Richard; witter@msu.edu; Wortley, Jay (Treasury); McCauley, Sara (GOV); YJones@saginaw-mi.com; Unice S. Smith (USSmith@ohioauditor.gov); [redacted]
Subject: New reports on Flint and local government issued by MSU
Attachments: beyond state takeovers.pdf; flint EM years.pdf

Good Morning,

Please find attached some new reports from MSU regarding the Flint EM years (2011-2014) which is a follow-up to our 2011 report on Flint.

Find here the original Flint report:
https://www.cityofflint.com/wp-content/uploads/Reports/MSUE_FlintStudy2011.pdf

The second report documents the role of state government in the fiscal affairs of Local Government. In particular, you will note:

- Page 9, figure 4 that Michigan escalated its local tax limitations more than almost any state except Colorado
- Page 11, figure 5, Michigan is a stick state in regards to local aid
- Page 14, figure 6, MI is ranked as being high cost and high revenue pressure (meaning revenue restrictions) which is the worst of both worlds

Our research points to the fact that Michigan policies are a major part of the cause of local fiscal distress, not the only cause but a major contributing factor. This is the first time we are aware of being able to quantify this conventional wisdom and place it in the fifty state context.

Thank you

Eric

Dr. Eric Scorsone
Associate Professor and Director
Cetner for Local Governance and Finance
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Beyond State Takeovers:
Reconsidering the Role of State Government in Local Financial Distress, with Important Lessons for Michigan and its Embattled Cities

MSU Extension White Paper

By:

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Financial support for this research was provided by the C.S. Mott Foundation. Sapotichne and Rosebrook received support from the Department of Political Science at Michigan State University. Daniel Casey-Dunn, Madeline Mangan and Sean Fitzpatrick provided valuable assistance with the collection, coding and analysis of data for this research.

(8/31/2015)

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Executive Summary

One provocative pattern to emerge from the Great Recession is that instances of acute local fiscal distress have clustered in certain states and not others. As recently as last year in Michigan, a state appointed Emergency Manager was operating in each of 17 local governments and school districts. A recent California Policy Center report suggests that more than a dozen cities and counties in California – a state that has already experienced three recent, high-profile municipal bankruptcies and a near-bankruptcy in San Jose, the "capital of Silicon Valley" – are on the cusp of defaulting on general obligation bonds

With the generous support of the C.S. Mott Foundation and Michigan State University, we have engaged in a multi-pronged, multi-method research program to assess the crucial but often overlooked role of state governments in shaping the ways in which cities respond to financial difficulties. This report, based on our analysis of a unique, nearly half-century-long dataset of state and local financial and policy information and correspondence with state officials, analysts and legal experts involved in state-local fiscal affairs, elaborates several key findings:

- **Municipal fiscal distress is not simply a *local* problem. State laws and policies provide state governments with extraordinary influence over the ability of cities to balance revenue and expenditure flows.** The common perception that critical taxing and spending decisions are largely within a city government's control tends to conceal this fundamental detail about American state-local fiscal relations.
- **The ways in which state lawmakers act on this influence varies from state to state and over time.** We refer to the complex mix of laws and policies that prescribe the powers, rights and capacities of local lawmakers to respond to their financial conditions as the **state context for local fiscal distress.** Section 1 of this report assesses key elements of this state context for the lower 48 states since 1970.
- **Some states incubate local financial stress by simultaneously driving up spending pressures on their cities while curtailing their capacity to raise critical revenue.** Since the 1970s, the proliferation of state-imposed tax revenue limitations, coupled with recurring cuts to state aid, has fostered a system that limits a city's ability to fund critical services. Some state governments further undermine the fiscal capacity of their cities via state laws and policies that engender steep expenditure-side pressures (e.g., devolving program responsibilities or driving up labor costs). We classify these states as **incubators of fiscal distress.**
- **Michigan incubates financial stress among its local governments.** Michigan's particular mix of stringent limitations on local revenue and its relatively low level of financial assistance to cities, coupled with spending pressures stemming from spiking local service burdens and increased labor costs, creates conditions that drive up the potential for local fiscal distress.
- **Because state governments can foster dramatically different state contexts for local fiscal stress, there is no single model policy for state intervention in distressed cities or for prevention of local fiscal distress.** A policy that does not address a state's unique context is unlikely to help cities escape financial trouble over the long term. State lawmakers must decide which legal and political tradeoffs they are willing to make to support city fiscal health. Michigan lawmakers, for instance, must recognize that the state context contributes to the problem of local fiscal distress. An aggressive intervention policy does little to curtail the consequences of this state-imposed context. Section 2 of this report draws policy lessons from comparable states in an effort to illustrate alternative approaches to state involvement in local fiscal affairs.

This report's practical recommendations are aimed at assisting the C.S. Mott Foundation, state and local officials, and Michigan residents in identifying a more effective policy and legal approach to local fiscal crises. These are not overly startling recommendations, yet they are easy to neglect because policymakers tend to focus more on short-term political gain rather than the histories and unintended consequences of policies that, over time, become increasingly difficult to alter. Some key recommendations:

- **Creating a state agency that coordinates services to local governments and offers technical support and fiscal monitoring.**
- **Raising awareness among citizens and state decision makers that the causes of fiscal distress are not solely at the local level. Though state governments are certainly part of the solution, they can be a big part of the problem as well.**

Introduction

A recent spate of research and media reports suggest that as the fiscal consequences of the Great Recession continue to subside, state and local fiscal conditions are on the upswing. American cities and locales, however, are not yet out of the woods. A recent analysis from the National League of Cities strikes the proper tone of caution when reporting that, though indeed *state* governments have recovered (albeit slowly), "...*local* fiscal health has not yet fully returned to pre-recession levels. ... While tax revenues continue to improve, increases in service costs, long-term infrastructure needs, employee wages, and pension and healthcare obligations, along with decreased levels of state and federal aid, continue to constrain the [local] fiscal outlook" (McFarland and Pagano, 2014, p. 1, emphasis added).

One thought-provoking pattern to emerge from the aftermath of the Great Recession is that the fiscal outlook seems to be particularly bleak among local governments in certain states. The city of Detroit's bankruptcy proceedings may have indicated that Michigan is something of a hotbed for local financial disaster. Yet a far more damning indicator is the prevalence of financial distress among the state's other local governments. As recently as last year, 17 local governments and school districts were operating under the control of a state-appointed emergency financial manager. Recently, Michigan's most populous county, Wayne, was recently designated for financial emergency status as well. Michigan does not stand alone. News from California, a state that has already seen four cities enter the municipal bankruptcy process since 2008, is equally discouraging. The authors of a recent report conducted for the California Policy Center argue that more than a dozen cities and counties in California are statistically far more likely than "a typical U.S. city or county" to enter bankruptcy proceedings or default on general obligation bonds, with several cities – such as Compton, King City, Sutter Creek and Ione – are a whopping 20 to 40 times more likely to experience acute financial crisis (Joffe and Larkedring, 2015).

What is it with local governments in these states? When it comes to urban fiscal problems, there is much blame to go around. Some blame a mixture of national and global economic forces beyond the control of state and local policymakers. Others contend that the cities facing severe budget crises have only themselves to blame. The goal of this report is to refocus attention on the crucial but often overlooked role of state governments in determining the ways in which cities respond to financial difficulties. How and in what specific ways do state governments structure this local response? Is it possible to assess the fiscal value that all states – via their mix of policies, laws and institutions – may add to or take away from local fiscal decision making? Is it truly more challenging to gain and maintain fiscal sustainability in certain states than it is in others? And in light of this consideration of the role that state governments play in structuring local fiscal decision making, in what ways do state governments choose to – or choose not to – internalize their role in the design and administration of their fiscal distress intervention policy? In other words, can we identify policy self-awareness among state governments that place particularly onerous fiscal pressures on their local lawmakers?

To respond to these important questions, we, with the generous support of the C.S. Mott Foundation and Michigan State University, set out on a multi-pronged, multi-method research program at a critical time in which a new era seems to be dawning for state-local fiscal relations. This report summarizes the findings of the first stage of this ongoing project.

Section 1 of this report develops an indicator for the state context for local fiscal distress based on the mix of state laws and policies that directly influence the revenue and spending decisions of local governments. This section uncovers a number of compelling patterns in the state imposition of revenue and spending pressures over the past quarter-century. Chief among these patterns is that, although a number of states have taken measures to severely limit the revenue capacity of their local governments (thus reducing the resources available to maintain critical services) and several states have devolved greater service responsibilities (and higher spending burdens) to their local governments, only a small handful of states simultaneously drive up spending pressures while aggressively curtailing local governments' capacity to raise revenue. Taken independently, state-imposed revenue- and expenditure-side pressures can play a determinative role in local fiscal decision making. Taken together, as in states such as Michigan and California, they incubate local fiscal distress and can serve to foster fundamental budgetary imbalances that more fiscally challenged local communities are ill-equipped to overcome.

In Section 2, we draw on interpersonal communications with key personnel in several states to assess key elements of state policies for intervening in fiscally distressed local governments. We set out to identify similarities in intervention policies – of which Michigan's is the poster child – and to learn how other states approach local fiscal crises differently. From our work with the state officials, we illustrate how state governments can more effectively align policy with the nature of the problems faced by cities in distress, as well as how state-imposed constraints hamper cities' abilities to balance revenues and expenditures over the long-term. In Section 3, we combine the lessons from Sections 1 and 2 to outline recommendations that can assist the C.S. Mott Foundation, state and local officials, and Michigan residents in identifying a more effective approach to local fiscal crises.

Section 1: Assessing How States Set the Context for Local Fiscal Distress: Revenue Squeezes and Expenditure-side Pressures

Two essential powers that local officials enjoy are their authority to raise revenues and their power to allocate those revenues as they see fit via public expenditures. In local media and policy research, city officials are sometimes lauded for what are perceived as exciting local policy outcomes, such as when a city makes a significant move up the "America's Greenest Cities" or "Child Well-being and Health" rankings. More commonly, they are chastised for decisions deemed detrimental to the city's future, such as providing generous benefits to the municipal workforce, slashing essential services, enacting a rigid historical preservation agenda or raising licensing fees. Yet the common perception that critical taxing and spending decisions – and, by extension, the apportionment of blame and credit associated with the outcomes of such decisions – are largely within a city government's control conceals a fundamental detail about American state-local fiscal relations: state laws and policies provide state governments with extraordinary influence over nearly every aspect of city budgeting. From the type and level of financial assistance that state governments deliver to state-imposed controls over local revenues; to the growing practice and use of state mandates, preapproval and preemption; to minimum service standards; to the formal or informal consultations, advice or technical assistance that state governments may (or may not) provide, local governments in America, in the words of influential legal scholars Gerald Frug and David Barron (2008, p. 75), simply "do not have anything like the kind of local fiscal autonomy often attributed to them."

States influence local governments' capacity to balance revenue and expenditure flows in a variety of ways. In this report, we focus on two core dimensions of this state context for local financial distress.[1] The first is the degree to which states participate in adding or reducing local revenue capacity via the policy balance between the buoyancy of state-granted aid and shared revenue, and the severity of state-imposed controls over city tax revenues. Although most states exhibit a relatively balanced policy approach to local revenue capacity, some state governments have responded to local revenue challenges by granting greater access to state intergovernmental aid while mostly suppressing financial controls over local taxes. These are revenue "carrot" states. Another group – revenue "stick" states, of which Michigan is a prime example – have responded to local revenue challenges by ratcheting financial controls while offering thin or uncertain compensatory aid. Simply put, we expect it to be far more challenging to maintain a sustainable fiscal outlook in states that simultaneously suppress own-source revenue capacity and transfer very little aid to municipalities, particularly during national or state economic downturns.

State policies and actions also burden the opposite end of local budgetary processes: decisions over public expenditures. Few, if any, local spending responsibilities exist because cities choose to take them on. The state decides.[2] Spending pressures can be subtler. For instance, local labor costs, which account for a large slice of most cities' budgets, are heavily influenced by state policies and regulations concerning municipal employees' wages and level of retirement and health care benefits.[3] This basic fact should give pause to those who instinctively attribute chronic local fiscal distress to "profligate spending on public employees" (Greenhut, 2012, pp. 1-2) or "spiraling labor and pension costs" (Rozansky, 2012). To borrow again from Frug and Barron's seminal work (2008, p. 199), "Although cities are often criticized for granting overly generous pensions and health care to their employees, sometimes they become supporters of municipal employees' benefits because the state requires them to do so." Our more general argument here is that it is foolish to claim to correctly diagnose the causes of local fiscal distress without careful examination of the spending context in which states place their cities. In this paper, we aim to capture a large slice of this expenditure-side context by assessing state public sector collective bargaining policies (specifically, those covering municipal police, firefighters, teachers and other local employees) and public employee union membership coverage.

1 Formally defined as the complex, multidimensional, legal-policy frameworks that prescribe the powers, rights and capacities of local lawmakers to respond to their financial conditions.

2 Via specific provisions (or the absence of such provisions) regarding local statutory authorization, budgetary constraints or more general interpretations of local governments' home rule authority.

3 For instance, Michigan, even after the adoption of right-to-work legislation in late 2012, mandates binding arbitration for public safety officers in the event that involved parties in a labor contract dispute cannot reach an agreement. Massachusetts pays out benefits to local employees through the State-Boston Retirement System via formulas established by state law. Illinois law does not mandate city or employee benefit or contribution levels, instead favoring local flexibility in the control over pension costs.

The final segment of this section considers how these revenue- and expenditure-side pressures interact within and across all U.S. state governments. As one might expect (or at least hope), these two competing dimensions tend to work against one another. States that are more revenue stick (meaning local tax limitation increases outpace the distribution of state aid) tend not to impose equally exacting expenditure-side pressures, at least in relation to local labor costs. For many states that do drive up labor and service costs via their mixture of policies, these costs are at least partially offset via a more resilient and vibrant aid environment, coupled with limited own-source revenue restrictions. A few states, such as Michigan and California, place strict limits on local own-source revenues while at the same time providing only meager intergovernmental aid and imposing costly labor and service obligations. We contend that these states have structured local fiscal policymaking in a way that effectively incubates local financial distress. These state contexts are the most egregious in hampering the exercise of local fiscal power; yet the nature of the problem for cities may be much worse – state-imposed budgetary imbalances can engender recurring structural deficits and diminished local service capacity, particularly among the states' older, industrial urban areas.

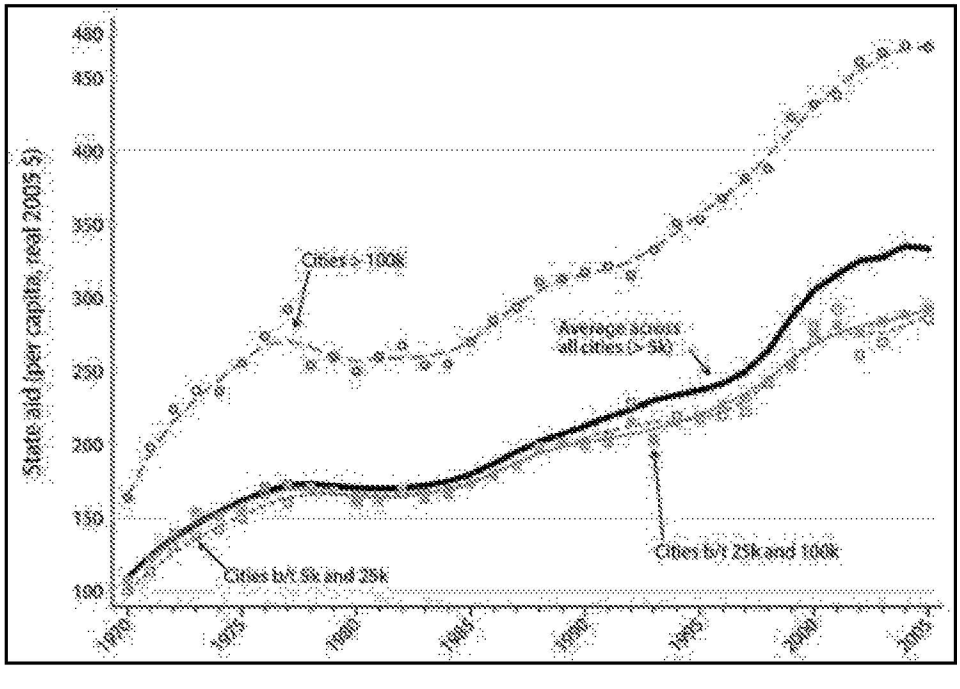
(1) Squeezing Local Revenue Capacity: Thin and Fragile State Aid; Escalating Local Tax Limits

State governments, by virtue of their superior constitutional position, have sweeping legal powers to regulate local finance. Central to our assessment of the state's role in local fiscal distress are state controls over the two dominant sources of city revenue: state aid and local taxes. Local governments occupy a weak position in the American federal system, causing local officials to rely heavily on, in the words of one analyst, "whatever sources of income the states are willing to let them tap into" or "whatever financial assistance" the states are willing to provide (Berman, 2003, p. 89). Sbragia (1983) aptly refers to the condition of American federalism as "the municipal money chase," and in the absence of a vibrant federal aid environment in the United States, state aid – in the form of shared taxes (typically sales, income and gasoline) and restricted or unrestricted grants – continues to be a major source of local government revenue, accounting for roughly a third of local revenue, on average, during the past two decades (Berman, 2003; Urahn et al., 2012).[4]

The importance of a well-designed state aid system is hard to overstate. It allows local officials greater flexibility in responding to economic pressures and the service needs of residents. This flexibility is particularly valuable during periods of economic downturn. Because local governments vary widely in their tax bases and in their ability to raise critical own-source revenues, influential research illustrates the equalizing potential of state aid, particularly in helping to smooth out revenue gaps between wealthier and poorer local jurisdictions (Pelissero, 1984; Stein and Hamm, 1987). In the past few decades, very few states target aid to local governments as a function of local need (Stein and Hamm,

4 Though formulas for the distribution of local aid can vary significantly across states (as well as within states over time), all states provide some form of aid to local governments – often from a historical exchange in which cities would forgo the right to collect certain taxes in exchange for the states returning revenues from those taxes in some form. States typically allocate shared revenue for specific purposes or link it to particular functions of local government. Some shared revenue, however, is unhindered by such state restrictions and can be spent as local lawmakers see fit.

Figure 1. Mapping the Average State Aid Environment Since 1970

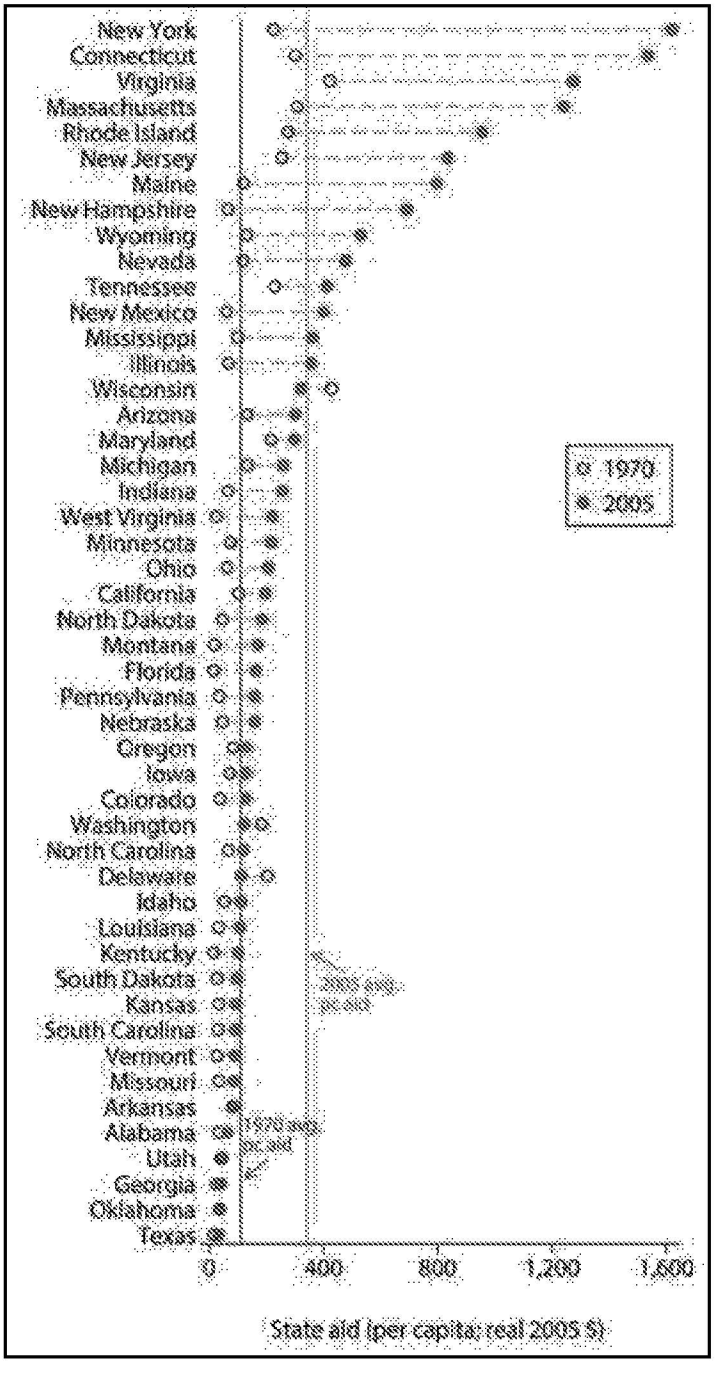


1994). The level of state aid that is available can make it possible for certain jurisdictions – for instance, older, industrial cities experiencing significant job loss coupled with a much reduced tax base – to at least afford minimum levels of services and possibly respond to growing service demands on the heels of a crippling state or national recession (see Ladd and Yinger, 1994).

How then can we characterize the critical state aid portion of the state-controlled revenue environment for American cities? Figure 1, which illustrates trends in per capita state aid to three classes of city governments, shows a steady upward trend in transfers (per capita) received from state governments. Though it is beyond the scope of this project to analyze specific revenue-sharing rules and aid formulas over time and across state contexts, our city financial data allow us to compare important trends in what the Census of Governments classifies as "Total Intergovernmental Revenue from the State Government."[5] In other words, we plot data indicating the fiscal outputs of these rules and decisions. As Figure 1 illustrates, the positive trend over time is particularly strong for cities with populations over 100,000.[6] On average, it would seem that state governments have helped at least larger cities meet increasingly difficult financial conditions through the extension of intergovernmental transfers.

Figure 2, which compares levels and growth of per capita state aid across the contiguous 48 states, paints a bleaker portrait. Consistent with the findings presented in Figure 1, 43 of the 48 states exhibit positive growth rates, meaning that roughly 90 percent of the lower 48 states provided higher levels of aid in the current era than in the early 1970s (mean increase = 256 percent). Figure 1, however, masks the considerable unevenness with which state governments deliver aid. This unevenness is on display in Figure 2, where fewer states provide above average levels of aid, and most states exhibit relatively flat growth in the distribution of state aid.[7]

Figure 2. The Uneven Development of State Aid Environments



5 This includes state grants-in-aid, regardless of basis of distribution; local share of state-collected taxes; payments in lieu of taxes on state property; and reimbursement for services performed for state government (e.g., care of state prisoners in local jails, construction or maintenance of state highway facilities, etc.) (U.S. Bureau of the Census, 2006).

6 In 1970, these cities received roughly $160 per capita (in real 2005 dollars) in state intergovernmental revenue; in 2005, the most recent year in our time series, average per capita aid was $470. Though the growth rate for small and medium-sized cities is not as steep, the steady uptick in average per capita state aid exemplifies a healthier state aid environment than in the past.

7 As is indicated by the maroon-colored vertical line, the average per capita aid provided to local governments in 2005 was just over $340. Texas, Oklahoma, Georgia and Utah provided around $40 per person, on average. New York, Connecticut, Virginia, Massachusetts and Rhode Island, on the other hand, distributed intergovernmental revenue at an annual rate at or around $1,000 per resident.

One key reason for this unevenness is that state aid tends to ebb and flow with changing state-level economic conditions (Berman, 2003, pp. 100-102). More generally, state intergovernmental aid – particularly those discretionary resources distributed via statutory aid policies and unprotected by state constitutions – is inextricably linked to state legislative budget battles. State legislatures and governors, scrambling to balance their own budgets, are simply more likely to risk citizen backlash from significant aid cuts during periods of widespread budget shortfalls. What is more, state lawmakers across the country seem to be looking with decreasing favorability on the idea of, in the derisive words of one Wisconsin legislator, "being an ATM machine for local governments" (Rinard, 1999, p. 1).

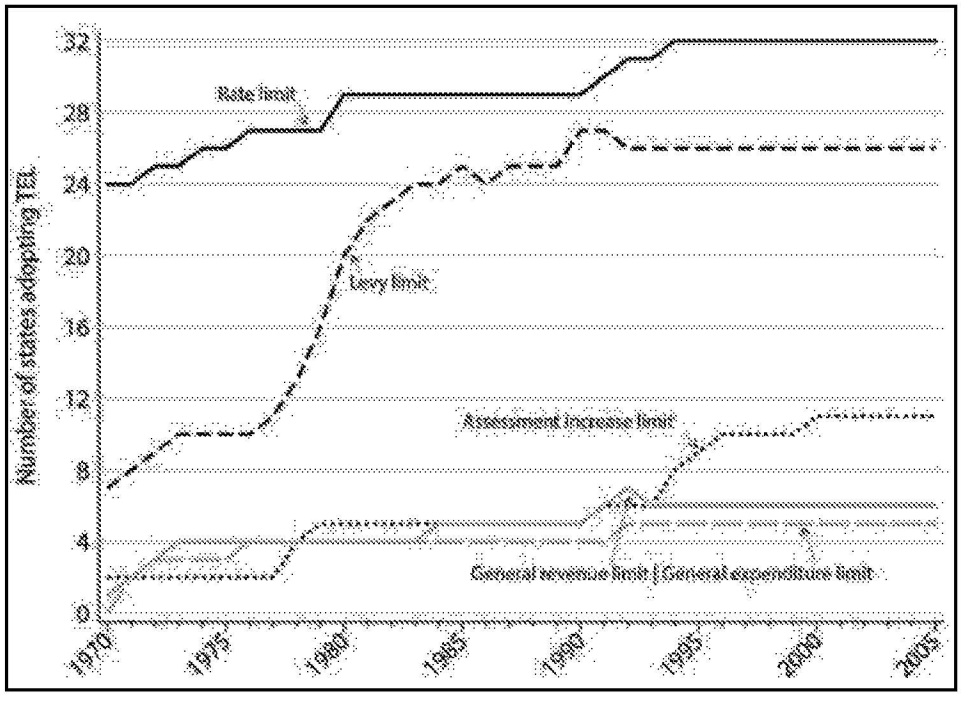
Figure 2, however, illustrates that not all states have chosen to respond to their revenue difficulties by making cuts to intergovernmental aid. A study from Pew's American Cities Project reports that Connecticut, which provides one of the more vibrant aid environments in the country, chose to slightly bolster intergovernmental aid to its local governments on the heels of the Great Recession (in fiscal year 2010) and has not reported a cut since then. Nebraska, on the other hand, canceled all funding to its local governments in 2011; Maryland, California, Arizona, Nevada, Minnesota, Texas, Virginia and Wyoming made 5 to 6 percent cuts that same year. All else being equal, we would expect it to be far less onerous to balance revenue and expenditure flows in city governments in states such as Connecticut, New York or Massachusetts – i.e., states where key state decision makers seem less inclined to shift service costs to local governments via cuts in state aid during times of state financial stress – than in cities facing similar sets of environmental, political or managerial conditions in states that provide lower or more volatile levels of intergovernmental aid.

State policies regarding levels and delivery of state aid are but one piece of an increasingly complex set of structures that govern local revenue capacity. In a classic textbook on American intergovernmental relations, Stephens and Wikstrom (2006, p. 196) remark, "Without doubt, the most important mechanism that the state has for influencing the political behavior of local officials involves financial assistance." This may have been true in the 1970s or 1980s, and to be sure it is a fundamental tenet of traditional models of fiscal federalism, but the most important mechanism for controlling local fiscal behavior in the past quarter-century is the tax and expenditure limit (TEL) – a label that broadly captures state attempts to limit the taxing and/or spending authority of its local governments through constitutional amendment or legislative enactment.

State governments have long imposed some manner of TEL.[8] Figure 3 tracks the adoption of TELs since 1970 across the four most common categories: *rate limits* – which are overall or specific tax rate limits that set the ceiling on the aggregate tax rate, which cannot be exceeded without a vote of the electorate; property tax *levy limits*, which constrain the total amount of revenue that can be raised from the property tax (independent of the property tax rate); *assessment increase limits*, which cap the growth rate of assessed values and is intended to control the ability of local government to raise revenue either by reassessment of property or through escalation of property values; and

8 For instance, the first states to establish property tax rate limits were Rhode Island (1870), Nevada (1895), Oklahoma (1907) and Ohio (1911).

Figure 3. Proliferation and Layering of TELs Since 1970

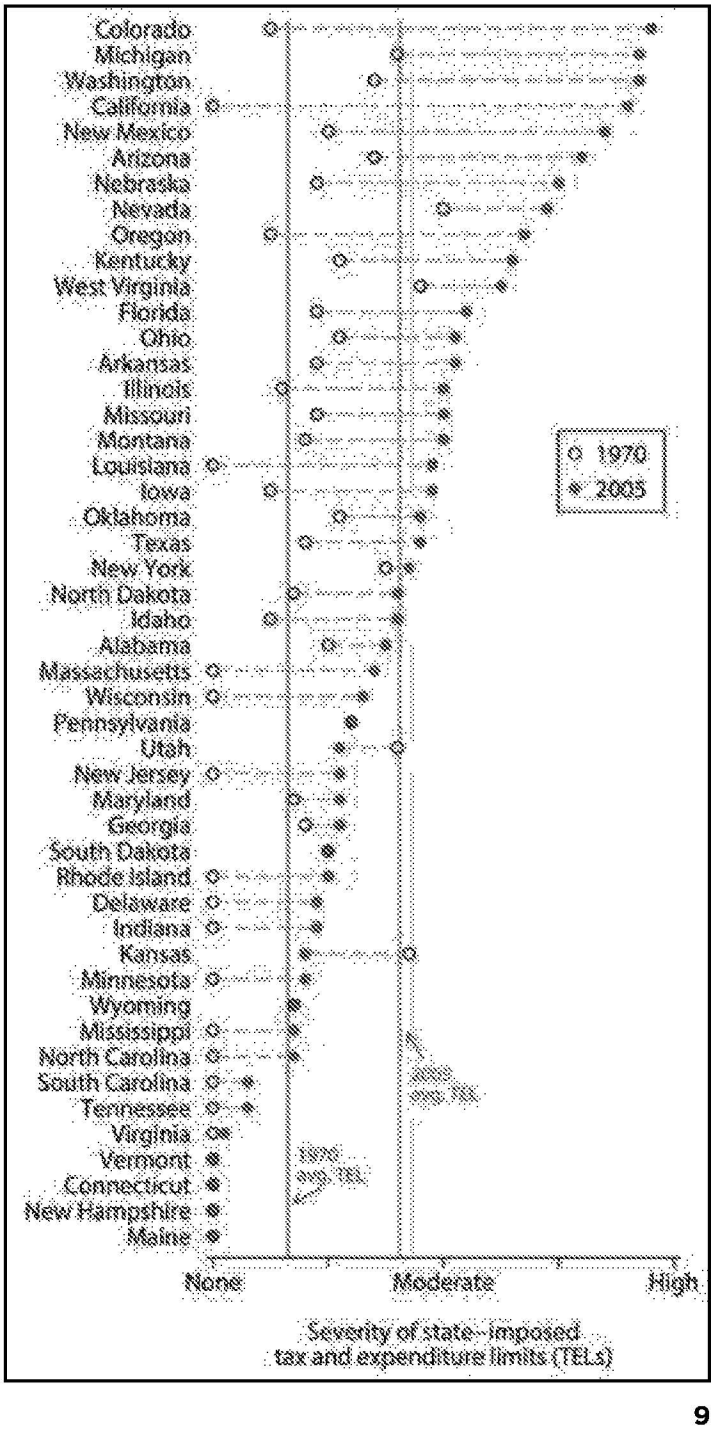


limits on *general revenue* or *general expenditure* increases, which set the maximum growth rate of total revenue or total spending.

Whereas a great deal of research has shown that the appearance of even a single TEL constrains the capacity of local officials to generate revenues on their own (see Poterba and Rueben, 1995; Shadbegian, 1996, 1999; it is the accumulation or layering of fiscal constraints that can be particularly damaging to the revenue capacity of local lawmakers.[9] In single-TEL states, for instance, raising assessments might be employed to circumvent property tax rate limits and vice versa; in states that impose only an assessment cap, this single limitation could potentially be overcome by adopting a higher rate. These methods of circumvention were common early in the 1970s, when 24 of the 29 states adopting some form of TEL imposed only one constraint (mostly rate limits), and a mere five states imposed two revenue TELs. Today, at least 27 of the contiguous 48 states impose multiple revenue TELs. Nineteen states impose two, and eight states – Arizona, California, Colorado, Michigan, Nebraska, Nevada, New Mexico and Washington – apply three local tax limitations.

The number of TELs in a state does not necessarily capture the severity of the limitation(s), though it is reasonable to expect a higher frequency of TELs to create a more restrictive local tax environment. Figure 4 displays a measure of TEL severity (see appendix regarding our research approach beginning on page 25), with the open point illustrating the severity of the state's TEL in 1970, the closed (maroon) point plotting restrictiveness in 2005, and the dashed horizontal line representing the change in severity of the state's tax limitations.[10] Figure 4 reveals some noteworthy patterns that illustrate the reality of state policy choices regarding local tax structures. Michigan, a state that imposes one of the more onerous sets of revenue restrictions, achieved this status via a one-two punch of major constitutional amendments enacted by voters: the Headlee Amendment in 1978 and Proposal A in 1994.[11] The Headlee Amendment capped local property tax millage rates to the rate of inflation. Proposal A – a constitutional amendment quite similar to Proposition 13 in California, a state with a similarly restrictive fiscal relationship with its locales – further limited local property tax revenue growth

Figure 4. TEL Escalations by State



9 Rising adoption rates are on display in Figure 3. So, too, is the increasingly common phenomenon of TEL layering, meaning the imposition of state-imposed controls on multiple elements of the local tax structure. And those controls are growing: in 1970, 29 of the contiguous 48 states had at least one revenue TEL; today, some 41 of 48 states have at least one local revenue limit.

10 The measure of TEL severity, initially proposed by Amiel, Deller and Stallmann (2009), indexes six key characteristics: the type of TEL (see discussion above), if the TEL is statutory or constitutional, growth restrictions, method of TEL approval, TEL overrides and exemptions, and method of override. For a more detailed discussion of this measure, see Amiel, Deller, and Stallmann (2009) and Maher and Deller (2013).

11 Constitution of the State of Michigan, Sections 25-33.

by changing the system of assessment to cap individual property values and prohibiting cities from "rolling up" a millage to the rate of inflation if actual property value growth was lower than inflation.[12] Taken together, these two large TEL ratchets, which came 17 years apart and layered on top of an already aggressive property tax rate limit, placed tremendous pressure on local lawmakers' ability to generate critical revenue (Brunori et al., 2008). Contrast Michigan's approach to that of Massachusetts's Prop 2½, a similarly infamous state-imposed TEL, which was passed by referendum in 1980 and effectively caps local property tax levies at 2.5 percent of real property value. Massachusetts's relatively moderate position on the severity index owes much to the state's choice to apply no corresponding rate, revenue or assessment limits on local lawmakers.

TELs, taken alone, are neither inherently good nor bad. They have been alternately portrayed as necessary evils for taming "Leviathan" city governments (Brennan and Buchanan, 1979; Craw, 2008; Downes and Figlio, 1999), or as just plain evils that stifle cities' abilities to pursue innovative visions for their futures (Frug and Barron, 2008).[13] However, over three decades after the tax revolt movement took hold in a major way in states such as California and Michigan, the widespread adoption of local TELs depicted in Figures 1 and 2 has had two overarching effects: the first is the loss of local revenues; the second is decreasing local reliance on property taxes.[14] There is little evidence to suggest that TELs, however, promote local fiscal sustainability. The reason is that local spending mostly goes unaffected by revenue limits (Dye and McGuire, 1997), particularly in the absence of state-imposed spending lids, which exist in only a small handful of states.[15]

In sum, the proliferation of state-imposed TELs has helped to create a national state-local fiscal system that is simply less conducive to local governments' abilities to fund their own activities.[16] States with more aggressive local TELs – such as Michigan, Colorado and California – hinder the revenue capacity of their local governments. This capacity is vital during even the most moderate of economic downturns because service demands tend to rise and state aid tends to drop. Revenue slack, however, was particularly vital during the most recent recession. In previous downturns, home prices mostly remained stable, thus steadying property tax revenues (particularly in relation to sales and income taxes). In the 2009 recession, property tax revenues, already slowed in certain states via state-imposed TELs, plummeted in simultaneity with state aid. The good news, as we illustrate below, is that a relatively small number of states impose such crippling revenue constraints from both ends: meaning states that both limit own-source revenue capacity while also providing far from vibrant levels of state aid. The bad news is that, for local officials who must operate within those state environments, even small declines in revenues can present tremendous budgetary challenges.

Mapping the Revenue Squeeze: Revenue "Carrot" and Revenue "Stick" States

As property tax revenues continue to erode as a function of state-imposed TELs and local governments have become more reliant on state aid, some observers have suggested that state governments have responded to their expanding role in local fiscal affairs by providing greater levels of intergovernmental revenues (Berman, 2003; Sokolow, 2000; Dye and McGuire, 1997b).[17] This reading of state-local fiscal dynamics is somewhat supported by comparing trends in average levels of state aid to local governments exhibited in Figure 1 and total revenue limit adoptions depicted in Figure 3. However, our data allow for a far more detailed look at how local revenue capacity is being affected by state policies for local governments within each of the lower 48 states.

Figure 5 depicts a rough state-level indicator of the severity of state restrictions on local revenue capacity. States for which our standardized measure of per capita state aid far exceeds our standardized measure of the severity of local revenue limits – such as Connecticut, New York, Massachusetts, New York, Rhode Island and New Jersey – are depicted in orange and labeled revenue carrot states. All else being equal, we would expect the revenue capacity of local governments in these states to be buttressed by their state context. As was pointed out above, a well-structured state aid environment increases the overall fiscal capacity of local governments and, according to Pagano and Hoene (2010, p. 260), can provide "a level of equalization and base support for municipalities that may lack other resources." Additional value to local revenue capacity stems from the fact that critical own-source revenues are

12 Many other provisions of both the Headlee Amendment and Proposal A are related to other parts of the state finance system, and a detailed examination of the depth of both laws would be a paper unto itself. We will discuss the impacts of these types of laws, generally and in Michigan, later in the paper.

13 To be sure, they are a frequent source of local consternation, particularly as fixed costs occupy a larger share of local budgets and demand for services – driven by postrecession unemployment rates, population changes and other factors – continues to rise.

14 Indeed, in many state contexts, forgone property tax revenues have at least partially been recovered via more regressive revenue sources – such as fees and, where allowed, sales taxes.

15 This is an important point that is often obscured by the frequent reliance on the TEL acronym (Tax and *Expenditure* Limits).

16 Amidst the national clamor for government austerity and fiscal responsibility, it is important to point out that these activities – particularly in the states that impose the most formidable set of revenue constraints, such as Michigan, California and Colorado – include essential local services such as public safety and infrastructure maintenance, which are critical functions of local government.

17 Greater local reliance on state aid does not necessarily mean that state officials have "anteed up," a point that, mainly because of data constraints, is too often overlooked.

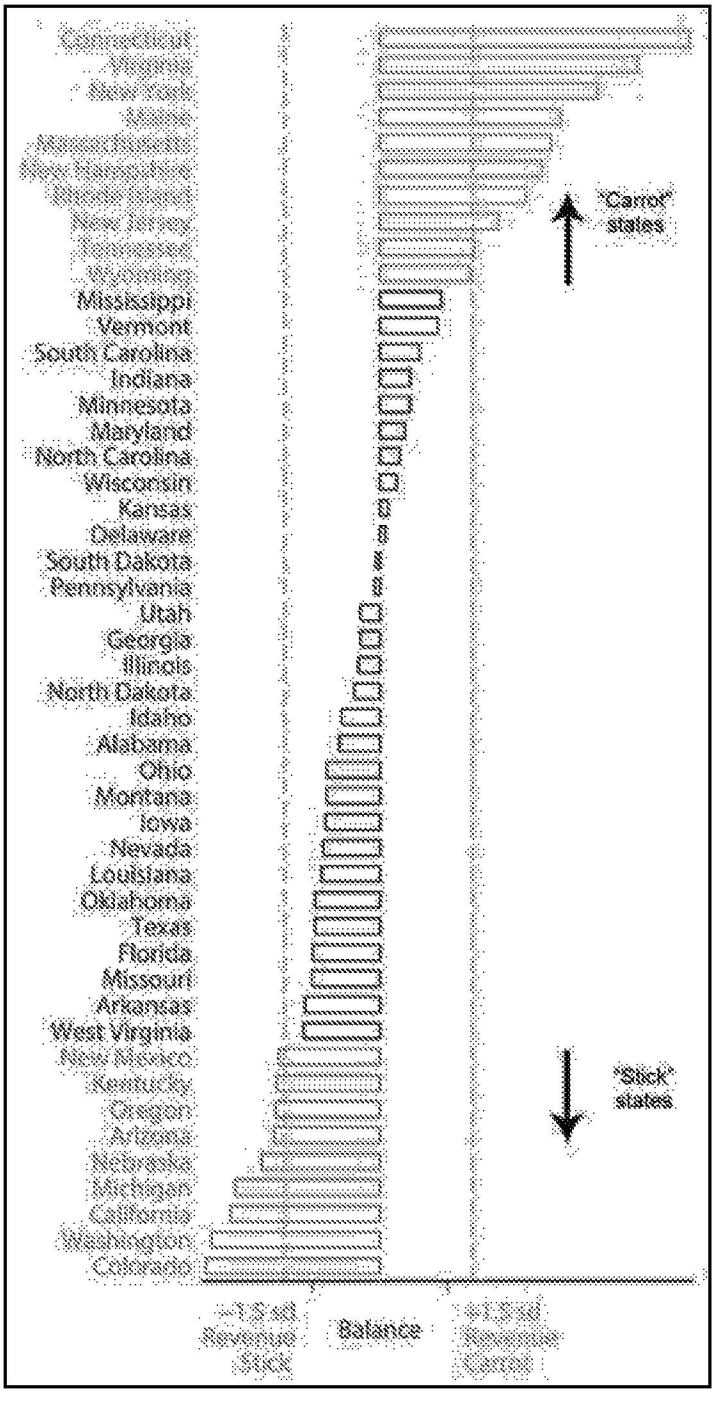
either altogether unencumbered by the absence of state TELs, as in Connecticut; limited only on the margins, as in Rhode Island or Tennessee; or limited via more aggressive TELs offset via significant funding from the state, as in Massachusetts.

Revenue stick states – such as Michigan, Colorado, Washington and California – are depicted in brown. These state governments (or state citizens via the referendum or initiative process) constrain the fiscal autonomy of local government officials rather than buttress it via state aid. An extensive body of research on the local effects of state-imposed TELs strongly suggests that revenue limits have worked: local own-source revenues have been reduced in the states that impose such limitations. Though there is some historical evidence that state legislatures in certain states have offset these limitations via state aid (Mullins and Joyce, 1996), revenue stick states tend to be far less generous in the allocation of intergovernmental revenue. All else being equal, we would expect the revenue capacity of local governments in these states to be constrained by their state context.

Michigan, for instance, has a TEL score well above the most recent annual state average, coupled with slightly below average state aid. The problem with local fiscal sustainability in revenue stick states such as Michigan stems from local governments' heightened reliance on state revenues, which in Michigan is a function of two large TEL ratchets and, in the post-Great Recession period, sharply declining property tax revenues. This high degree of dependency remains in place today. Yet, much like the way that Michigan's Proposition A has exposed critical local education funding to state budgetary battles (Cullen and Loeb, 2004), the state's unyielding property tax rate limits, coupled with special features of the Headlee Amendment that forbid the use of some alternative revenue sources employed in other states (e.g., income, sales and motor fuel taxes), have had the unfortunate side effect of essentially entwining local fiscal health with state legislative politics. As the state economy faltered under a one-state recession throughout much of the 2000s (Darga, 2011), the past decade has seen both clear declines in statutory revenue sharing and heightened levels of uncertainty over revenue-sharing rules (Lavelle, 2014, pp. 2-3).

Michigan's is a precarious fiscal context even for the most well-managed city government. It is particularly onerous for lawmakers in older, industrial cities such as Flint, which has been dealing for some time with sustained job and population loss, waning bureaucratic capacity, and increasingly daunting economic, social and physical challenges (see Doidge et al., 2015). In the words of one local official, if aid is reduced, "It's not rocket science ... pretty much raise taxes or cut services. That's what it boils down to" (McDermott and Powers, 2002, p. 12). Local lawmakers in a state such as Michigan, where they operate

Figure 5. Revenue "Carrot" and Revenue "Stick" States



with very limited discretion over revenue capacity, can boil it down even further: reduce or eliminate services or face the prospects of possible financial meltdown. All cities face political constraints on raising tax revenue. And certainly, some cities have managed their financial affairs in the face of economic decline better than others. However, for those seeking to fully grasp the nature of local fiscal health, we must continue to focus on ways in which states effectively create a mismatch between fiscal needs and available resources into their cities' local fiscal decision-making environment.

(2) Expenditure-side Pressures: Labor Costs and State Regulation of Local Public Employee Collective Bargaining

In addition to the revenue squeeze that some states impose on their local governments, state governments also impose a range of expenditure-side pressures that can drive up local costs.[18] As state governments continue to streamline bureaucracies and downsize operations, service burdens have been shifted onto local governments, often "without careful consideration whether this was the correct course" (Gold and Wallin, 1999, p. 73). As one prominent National League of Cities report argues (2003, p. 23), the transference of "program responsibilities from state and federal government, as well as the imposition of state and federal mandates, increase the roles and responsibilities of municipal governments, often without corresponding fiscal capacity or authority." Observers and analysts interested in the expenditure-side burdens that state policies place on local officials typically focus on the effects that costly mandates in areas such as health care and pollution abatement have on local government budgets (see Berman, 2003, pp. 77-83). Far less attention is paid to what we might call *de facto* spending pressures – the hidden but potentially damaging state-level decisions, policies and institutions that can destabilize local governments' fiscal capacity.

Consider, as we do in this report, local governments' large and increasing burden to pay for previously obligated labor costs. Labor costs, including wages and benefits for current employees as well as pensions and other postemployment benefits (OPEB) such as retiree healthcare, currently make up the largest category of operating costs for local governments. As pointed out in a recent MSU white paper (Scorsone and Bateson, 2013), municipalities were not required to measure the total costs of OPEB until an accounting standard was issued in 2004, with implementation beginning in 2007. Now that local governments have calculated and accounted for OPEB, many are faced with a massive commitment. Indeed, MSU's review of Michigan cities facing severe fiscal stress revealed that each city was confronted with a substantial unfunded OPEB liability (Scorsone and Bateson, 2013).

Though local government employee pensions and OPEB are seemingly always in the headlines, few seem to be asking why observers are more able to link labor costs to local fiscal distress in certain states than in others. Why do we hear so much about Michigan, Pennsylvania, California, Rhode Island and New Jersey? The answer, not surprisingly, is that, although city lawmakers are often criticized for overly cozy relationships with public employee labor unions (see, for instance, Gillette, 2014a; Rozansky, 2012; Greenhut, 2012), critical elements of employee benefit costs are structured by state law. State law may require bargaining by the employer, may provide only for a bargaining forum without requiring it or, alternatively, may simply prohibit collective bargaining altogether. State laws vary in the coverage of certain types of local employees. These rules address the types of items that may be bargained over, such as work rules, pay and benefits. Finally, the collective bargaining laws may include a process for dealing with impasses, such as binding arbitration rules. In line with the framework proposed at this report's outset, we view the mix of these rules as a set of processes and constraints that directly influence a municipality's fiscal capacity.

Table 1 places the local public employee collective bargaining environment of the contiguous 48 states into a five-category classification scheme ranging from very weak to very strong. (See the research approach appendix for a more detailed explanation of this measure.) As Table 1 makes plain, states vary with respect to the collective bargaining environment for local public employees. Not surprisingly, states with strong and very strong collective bargaining environments (e.g., those that impose a duty to bargain with strong union security provisions) have comparatively high union membership rates as well, with New York, Rhode Island, New Jersey, Connecticut, Massachusetts, California, Illinois, Oregon, Minnesota, Pennsylvania and Michigan each holding union membership rates in excess of 50 percent of state public employees. Unionization rates in weak and very weak states, such as Mississippi, South Carolina, North Carolina, New Mexico, Wyoming, Utah, Georgia and Virginia, on the other hand, tend to fall around 10 percent.[19]

State laws concerning pensions and health benefits illustrate, in part, how state-imposed structures affect city expenditure choices. Yet recent attention to employee compensation, pension system funding/underfunding and, especially, the cumulative impact of local government employee costs on current municipal cash flows have

18 This general phenomenon has been termed "second-order devolution" – meaning the transfer of program administration and/or substantive policy powers from the federal and state governments to America's cities and municipalities (see Bowman and Kearney, 2011).

19 Statistics from Union Membership and Coverage Database (see Hirsch and Macpherson, 2003).

brought these issues, in particular, into national focus. To be clear, we do not suggest that a non-unionized workforce is the key to a fiscally sustainable city. City governments must compete with other employers for workers, and rules governing bargaining are part of a state's larger labor culture. Our simple argument is that, in light of the sizeable role for local labor costs in local budgeting as well the implementation of new accounting standards, city governments operating within states with more permissive collective bargaining provisions are more likely to face budgetary constraints. It is easy to pin these constraints on lousy decision making, yet these constraints owe much to higher labor costs and the cumulative costs of payment decisions that are, to a large degree, governed by state policy.

(3) The State Context for Local Fiscal Distress: Tension Between Revenue and Expenditure Pressures

Analysis of the interplay of revenue and expenditure pressures allows for a more detailed assessment of the nature of the fiscal context in which states place their local lawmakers. We offer this analysis as something of a corrective to the typical perception that a city's financial destiny is either entirely within or entirely outside of its control. When assessing why certain local governments seem to respond more effectively to their financial problems than others, our research suggests that identifying on Figure 6 (see page 14) the state in which the city is located is a good place to start. The state's coordinates represent an empirical measure of the state context for local fiscal distress – meaning the tension for local lawmakers between state-imposed revenue-side pressures (captured on the horizontal axis) and state-imposed expenditure-side pressures (captured on the vertical axis).[20]

20 More technically, the horizontal axis captures our measure of the revenue pressures that states inflict upon their local governments (standardized TEL severity score minus standardized average per capita aid score). The vertical axis represents a standardized measure of public employee union coverage, an approximation of the severity of the average city's relatively fixed labor costs. The light gray shading represents the distance between one quartile above and one quartile below the median; thus states that appear outside these two intersecting ranges are quite different from average on both elements of the state context. Dark shaded points indicate state governments that authorize state intervention in financially distressed local governments.

Table 1. State Collective Bargaining Environments for Local Public Sector Employees

Collective bargaining environment	States		Brief description
Very strong	Illinois Minnesota Montana Ohio	Oregon Pennsylvania Vermont Wisconsin	Duty to bargain Strong union security provisions Strikes are permitted with qualifications
Strong	California Connecticut Delaware Maine Massachusetts Michigan	New Hampshire New Jersey New York Rhode Island Washington	Duty to bargain Strong union security provisions Strikes are prohibited
Moderate-mix	Florida Idaho Iowa Kentucky	Nebraska Nevada Oklahoma South Dakota	Some bargaining rights Weak union security Strikes are prohibited
Weak	Arizona Arkansas Indiana Kansas Louisiana Missouri	New Mexico South Carolina Texas Utah West Virginia Wyoming	Limited collective bargaining rights Right to work Strikes are prohibited
Very weak	Alabama Colorado Georgia Maryland Mississippi	North Carolina North Dakota Tennessee Virginia	Collective bargaining is prohibited Right to work Strikes are prohibited

Figure 6. Assessing the State Context for Local Fiscal Distress

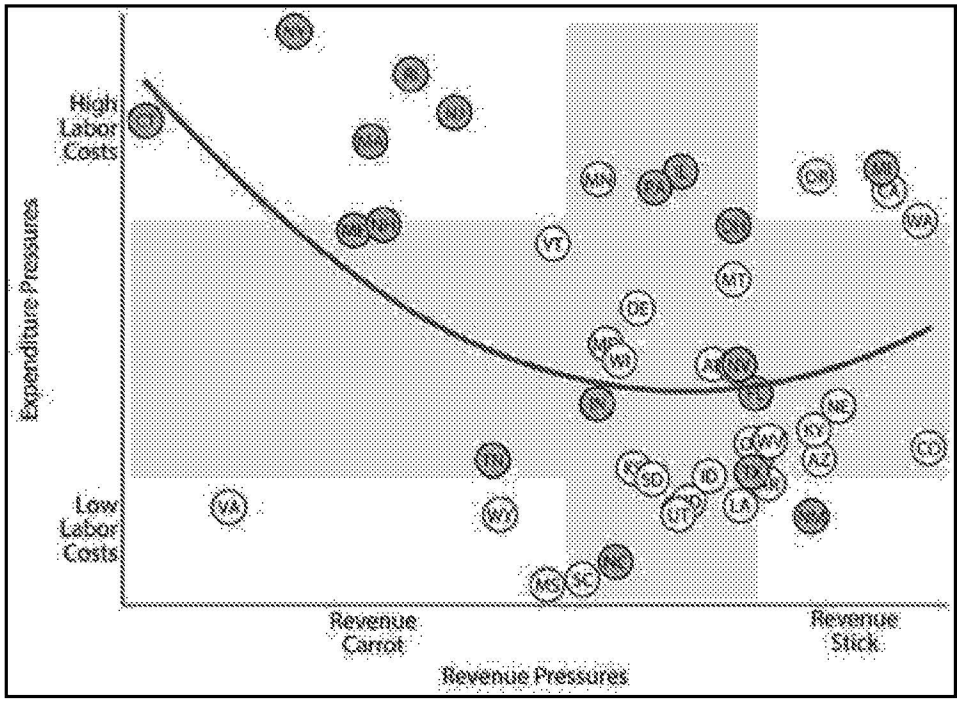


Table 2. Tabulating the State Context for Local Fiscal Distress

State-Imposed Expenditure Pressures	State-Imposed Revenue Pressures		
	Carrot	Balance	Stick
High	Connecticut Massachusetts New Jersey New York Rhode Island	Illinois Minnesota Pennsylvania	California Michigan Oregon Washington
Moderate	Maine New Hampshire Tennessee Vermont	Alabama Delaware Florida Indiana Iowa Kansas Maryland Montana Nevada Ohio Oklahoma Wisconsin	Arizona Colorado Kentucky Missouri Nebraska West Virginia
Low	Mississippi Virginia Wyoming	Georgia Idaho Louisiana North Carolina North Dakota South Carolina South Dakota Texas Utah	Arkansas New Mexico

If state-imposed revenue pressures increased with the severity of expenditure pressures, or vice versa, we would expect a positive "best fit" line (the dark curving line in Figure 6) moving from the lower left-hand quadrant to the upper right. As one might expect (or at least hope), these two elements of the state context tend to offset each other. States such as Colorado and New Mexico – i.e., more revenue stick states (local tax limitation increases outpace growth in the distribution of state aid) – avoid equally exacting expenditure-side pressures, at least when it comes to local labor costs. For states that do structure local collective bargaining in a way that favors higher local labor costs – such as New York, Connecticut and Rhode Island – these costs are at least partially offset by a more resilient and vibrant aid environment, coupled with limited own-source revenue restrictions.

The relationship between these two elements of the state context is negative, but it is not a purely linear relationship. Figure 6's most striking feature is its illustration that states placing extreme limitations on local revenue capacity (meaning they are more than one standard deviation above the state average on the horizontal axis) also tend to impose costly labor and service obligations (more than one standard deviation above the state average on the vertical axis). This relationship between revenue and expenditure pressures creates a best-fit line that resembles a backwards "J". This small handful of states that pull the line upward – which include Michigan and California – cluster in the upper right-hand quadrant of Figure 6. It is no surprise that acute financial emergencies have clustered in these states. We contend that they have structured local fiscal policymaking in a way that effectively incubates financial distress. Table 2 classifies the states in an effort to clearly represent the position of each of the lower 48 states along these two dimensions.

The threat of recurring structural deficits is "baked in" to the state-imposed legal and policy context in which local governments choose how to respond to fiscal problems. For lawmakers in America's older, industrial cities who must operate within these states, that choice is often not theirs to make. As we point out above, these states apply revenue and expenditure pressures on the front end, while also fostering a fiscal environment that exacerbates fiscal stress, links local fiscal health to budgetary battles, and all in all restricts the policy "space" for local fiscal policymaking. Michigan, however, is the only state among the incubators in the top right quadrant of Table 2 and Figure 6 that also intervenes "on the back end" by assertively implementing one of the nation's most powerful fiscal distress intervention policies (Anderson, 2011; Scorsone, 2014).

In light of the clustering of distressed localities within Michigan's borders, it comes as little surprise that Michigan lawmakers would value a policy that allows state officials to help struggling local governments meet conditions of chronic fiscal stress (Scorsone and Bateson, 2011; Doidge et al., 2015). However, as we discuss below, what is quite striking is the relationship between the policy's goals and design – which favors state takeover of local government – and the nature and underlying causes of the problem of acute fiscal distress. The financial consequences of deep-rooted economic and social forces are unlikely to be fully alleviated via temporary suspension of local self-government. Neither are the often overlooked but critically important state-imposed causes analyzed above. In what follows, we survey the state governments with more holistic and self-aware views of local financial distress in an effort to draw important lessons for Michigan lawmakers as they continue to struggle with chronic fiscal stress among the state's localities.

Section 2: If Takeover is the Solution, then what is the Problem? What Michigan Can Learn from the Ways in Which Other States Tackle Problems of Local Fiscal Distress

In the previous section, we make the case that state governments influence how local officials meet their financial problems via a combination of laws and policies that add or take away intergovernmental or own-source revenue capacity and drive up expenditure pressures via the allocation of policy authority over government functions and labor costs. In certain instances, such as when a state government caps property tax revenue and sets near insurmountable override standards, the effects of certain elements of the state context may be more or less direct. A city facing a near identical set of political, institutional, economic and social circumstances that operates in a neighboring state with no such revenue cap at least has the potential to capitalize on this capacity, assuming local political and economic constraints allow for the imposition of a property tax increase. But mostly the effects of this state context are more indirect. The policy balance between revenue restrictions and state aid, for instance, is not so much a direct measure of state policy choice as it is an outcome of a variety of state policy choices – e.g., revenue-sharing rules and formulae, the outcomes of citizen initiatives involving local TELs, legislative-executive budgetary processes, bureaucratic turf battles and so on.

Since as far back as the late 19th century, when the proliferation of railroad bankruptcies prompted states to take action to assist struggling localities (see Dimock, 1935 and 1940), state lawmakers, for fear that "a failing municipality will lower the credit rating of other localities and the state itself" (Berman, 2003, p. 113), have played a far more direct role in responding to local financial distress. The current menu of state policy options for intervening in distressed communities has been reviewed in two recent reports, one by Pew Charitable Trust researchers (Atwell et al., 2013) and a second by one of the authors of this report (Scorsone, 2014). One key shortcoming of these reports is the absence of detailed consideration of state context. Simply put, some states are part of the problem – they incubate financial distress via stringent restrictions on local revenue capacity and state policies precipitating local spending pressures. In other states, local policy options regarding the balance of revenue and expenditure flows are less encumbered by state policies and institutions. This diversity among state contexts is particularly important when reflecting on "best practices" for states dealing with acute local fiscal distress. For instance, close followers of issues of local finance often hear and read about North Carolina's strong oversight and monitoring mechanisms as standards to which state governments should aspire (see, for instance, Mattoon, 2014). But does it make sense for a state such as Michigan or New Jersey, for instance, to adhere to similar policy principles when local fiscal policymaking is structured in such dramatically different ways?

A second shortcoming of these reports is the dearth of detailed comparison among the 18 state governments that currently have an intervention policy. We refer readers to these reports for their quality in cataloguing the formal policy powers of state lawmakers on paper. Neither, however, is as useful at considering these policies in practice. This is a key tension in policy analysis generally and in instances of intervention in particular. The choice of the state's appointed and elected officials to employ the power they have at their disposal and intervene in a distressed community (often meaning the temporary suspension of democratic processes) presents a particular type of implementation dilemma imbued with questions of racial bias, social and economic imbalances, and the legal and political culture that guides state-local relations.

To fully assess the role of state governments in financial distress, we held a workshop for state government officials, analysts and experts with deep knowledge of state operations in local financial affairs. The Workshop on State Intervention in Distressed Communities, held in the fall of 2014 in Detroit, ultimately brought together a diverse group of 28 practitioners and policy experts from six states facing similar sets of local fiscal problems: Michigan, Rhode Island, New Jersey, Pennsylvania, New York and Ohio.[21] The appendix provides a detailed overview of the structure of the event and the types of discussions that were held.

Our primary goal was to provide a venue facilitating the open exchange of ideas and techniques for approaching the complicated problems facing cities in fiscal crisis. Indeed, as we discuss below, one recommendation of this research

21 This portion of the process focused specifically on how states approach intervention. Though many of the participants in the workshop were intimately involved in making decisions at the city level, we intentionally chose participants representing the state perspective rather than that of local decision makers.

report is to continue to advance this and similarly minded endeavors as a means of facilitating what Peter May (1992) refers to as "instrumental policy learning," which can improve state officials' understanding of the benefits and limitations of particular policy approaches or administrative designs. A second goal centers on learning more about the states' implementation processes for deciding whether to designate a city in distress, take it over temporarily or, in the most extreme cases, help shepherd its path to municipal bankruptcy. Our final goal was to investigate the types of "causal stories" (Stone, 2011) that state officials and experts used when considering the fiscal conditions facing their local governments. We held structured discussions about how the problem of local fiscal distress is defined (i.e., who or what bears the responsibility) and the ways in which state governments enshrine this problem definition via the design and implementation of financial emergency policies.

In what follows, we begin with a brief outline of Michigan's approach to local financial emergencies, paying special attention to linkages between the state's policy solutions, the nature of fiscal stress in Michigan's municipalities and the "front-end" context identified in Section 1. We then turn to alternative approaches employed in other key states. We begin with North Carolina, a state whose Local Government Commission, which administers the policy for dealing with financially challenged communities, has received a great deal of national credit. We then move to states facing more comparable sets of local conditions – i.e., with many older, industrial and fiscally vulnerable local governments suffering from population and job loss – that also have a history of state intervention in fiscally distressed communities. The goal here is not comprehensive overview. Rather, we set out to identify key dissimilarities with the new generation of intervention policies – of which Michigan's current policy is the poster child – and to illustrate how state governments facing similar sets of challenges can more effectively align their policy regarding direct involvement in fiscally distressed communities with the nature of problems that these communities face, as well as with state-imposed constraints that hamper their capacity to balance revenue and expenditure flows.

We designed Table 3 (see page 18) to help guide this discussion. The first two columns summarize the state context analyzed in Section 1 of this report. The four rightmost columns depict information summarizing the design and administration of the state's local financial emergency policy. The column labeled "causal story" reflects our assessment of how a state government, via its legislation of state intervention, comes down on the debate over the causes of local financial failure. For some states, the focal point is internal causes – poor management, the incompetence of local leaders, political corruption, the dominance over policymaking by narrow interests, and/or "antidemocratic" structures and processes that favor the whims of local officials over the needs of local residents (Gillette, 2014b). Other states focus on forces external to local management – i.e., socioeconomic conditions that are at once causes and symptoms of diminishing local service capacity and resources (see Kimhi, 2008), such as high and concentrated poverty, older building stocks, residential vacancies, high crime, deep-rooted regional changes, population loss and job loss. The column labeled "policy approach" captures the gist of the state's approach to financially distressed communities and reinforces the causal theory behind the policy's design. We also include information on the administration of the states' policies. Here the focus is on the powers of key administrative actors and their bureaucratic location. In line with a great deal of research on policy analysis and the policymaking process, we structure Table 3 in a way that suggests that key state decisions on goals, administration and implementation flow from how responsibility for the problem is assigned – i.e., the causal story (see Stone, 2011, p. 206). This information is provided for the six states that were represented at the Detroit workshop – Michigan, Rhode Island, New Jersey, Pennsylvania, New York and Ohio – as well as for North Carolina, a state that frequently gains attention for the effectiveness of its intervention policy.

(1) Michigan's Local Financial Stability and Choice Act: A Brave New World for State Intervention

The tenets of Michigan's intervention policy have been well-documented in research reports and news media. After the governor declares a fiscal emergency,[22] four possible courses of action are available to a municipality,[23] though local takeover by an emergency manager (EM) is the most common course of action. This allows a state-appointed manager to "act for and in the place and stead of the governing body and the office of chief administrative officer of the local government" and effectively grants this individual powers beyond those available to local officials.[24] Not only does he or she become responsible for all local fiscal decisions, including development and implementation of a recovery plan (which must be approved by the state treasurer), but the EM can also modify existing collective bargaining agreements, negotiate new union contracts and make personnel changes. The EM can also explore the option of consolidating services with another government entity, sell municipal assets and ask voters to increase the tax rate. The EM remains in this role until the city reaches certain benchmarks within its recovery plan, and a

22 A series of triggers are in place and one must occur – e.g., failure by the local unit of government to pay creditors or make timely pension contributions – prior to a state review of a local unit's finances

23 Consent agreement, emergency management, neutral evaluation or municipal bankruptcy.

24 141.1549, Sec. 9.

Table 3. Intervention Policy in the Context of State-Local Fiscal Relations

State	State Context		Local Financial Emergency Policy			
			Design		Administration	
	Revenue Pressures	Expenditure Pressures	"Causal" Story	Policy Approach	Agency/Govt. Branch	Responsibilities
Michigan	Revenue stock (top 5%)	High (top 20%)	Management (internal)	**State-appointed manager furnished with broad tools to restore solvency (mostly on spending side) once distress occurs.** Michigan typically does not intervene in local fiscal affairs until a fiscal emergency is recognized. There is no program of prevention.	Governor Department of Treasury (Office of Fiscal Responsibility)	Declaration of financial emergency and appointment of powerful emergency manager. Monitor emergency management process and approve certain decisions.
New Jersey	Revenue carrot (bottom 10%)	High (top 5%)	Socioeconomic factors (external) Management (internal)	**Support distressed communities.** When/if cities enter distress, the state makes available monetary and technical assistance.	Department of Community Affairs (Division of Local Govt. Services)	Monitor and approve local budgets, certain debt and capital investments; approve of additional aid; advocate for local government interests.
New York	Revenue carrot (bottom 5%)	High (top 1%)	City specific	**Generate city-specific solutions.** The legislature designs and enacts a specific policy for each city in distress. **Prevent distress from occurring.** The comptroller's office has designed an extensive monitoring system, staffed by many state auditors, to help local officials stave off financial emergency.	Legislature Office of the State Comptroller Governor	Legislate and adopt city-specific legislation, including establishing local control board. Preventive monitoring of all local budgets and administration of fiscal monitoring system. Appoint local control board.
North Carolina	Balance/lean carrot (bottom half)	Low (bottom 5%)	Management (internal)	**Central control prevents distress.** North Carolina has a highly centralized system designed to prevent risky decision making and borrowing by municipalities.	Department of Treasury (Local Government Commission)	Review audits, monitor local fiscal health, approve and settle local debt issues, require remediation plan.
Ohio	Balance/lean stick (top 40%)	High (top 25%)	Management (internal)	**Support local control.** Ohio intervenes at the request of local officials; recovery plans are submitted by local officials.	State Auditor (Local Government Services Division)	Train local officials, audit local budgets, classify distressed communities.
Pennsylvania	Balance (bottom half)	High (top 20%)	Socioeconomic factors (external) Management (internal)	**Helps troubled communities "help themselves."** Even in receivership, aims to address causes and prevent relapse, though communities may be unable to exit the state process because of systemic barriers.	Dept. of Community/Econ Development (Center for Local Government Services)	Place cities under receivership, distribute financial aid to distressed cities, monitor fiscal status of cities.
Rhode Island	Revenue carrot (bottom 15%)	High (top 5%)	Management (internal)	**Restore solvency and prevent further decline once distress is imminent.** Rhode Island has a strong receivership policy. It also offers additional assistance to cities approaching distress to help prevent full-fledged crisis.	Department of Revenue (Division of Municipal Finance)	Monitor all local governments, aid governments in or at risk of distress, appoint receiver.

receivership transition board is appointed by the governor to assist in transition until the official termination of receivership.

The structure of Michigan's successive intervention laws and the powers granted to the emergency manager point to a particular type of causal story – local government mismanagement as the chief barrier to fiscal solvency. The state's solutions and assistance all center on correcting local decisions that led to chronic budget shortfalls, and the main focus of Michigan's law, which is administered by the Department of Treasury, is to ensure a balanced budget. Efforts to achieve short-term fiscal solvency typically center on reductions in cities' financial obligations – e.g., cutting pension obligations, making personnel cuts and contracting out services traditionally provided by local governments. EMs and other state officials have little leeway to affect the revenue side of local governments' ledgers. As Anderson (2011, p. 620) argues, the viewpoint being expressed by the design and implementation of Michigan's policy is "that the current revenue picture of the city is adequate to provide for public safety, debt service, and other core expenses—if only ... the city had competent management." Indeed, little or no financial support accompanies state takeover. This is a telling feature of the state law that sheds considerable light on both the degree to which the policy oversimplifies the causes of local fiscal distress and the mismatch between the administrator's toolkit and the nature of the problem.

To respond to the question at the outset of this section: if takeover is the solution, the problem is mismanagement. Michigan codifies this causal story in a way that is less adulterated than in any other state we have surveyed. In other words, the state has adopted and codified a vastly oversimplified story. Even Rhode Island, which granted similarly sweeping powers to its state-appointed emergency managers, offers additional assistance to cities approaching distress to help prevent full-fledged crises. The state has also seen EMs (called "receivers") raise local taxes to generate more local revenue. This less than favorable assessment of Michigan's policy is buttressed by the absence of emergency bailout funding, a traditional feature of the more aggressively implemented state intervention policies (Berman, 1995; Anderson, 2011), as well as meager revenue-raising powers. EMs are empowered to tackle city expenditures as a means of bringing local budgets into equilibrium, but revenue-raising powers are effectively more limited than the powers normally afforded a city's mayor or council member. As has been pointed out elsewhere, for cities such as Flint, Ecorse, Benton Harbor and Pontiac, this is a gross oversimplification of the structural barriers to fiscal sustainability (Doidge et al., 2015). Our aim in this report is not to disprove the notion that mismanagement is the cause. We merely point out that the policy's design and implementation features devalue the considerable constraints that the state places on the revenue capacity of local officials.

(2) The Limited Applicability of "Best Practices": Why Adoption of North Carolina's Policies Won't Work for Michigan

The reentry of Michigan's cities into emergency management and the number of local governments and school districts in trouble have led to suggestions that Michigan should look elsewhere for answers.[25] A Pew Center on the States report suggests that North Carolina's monitoring system has prevented fiscal distress despite a history of crises during the Great Depression and some of highest unemployment rates in the country (Pew Charitable Trusts, 2013).

The Local Government Commission, a division of the North Carolina Treasury Department, reviews cities' independent audits on key fiscal health indicators, particularly the level of fund balance. If a locality fails to meet a specific threshold, it is placed on the commission's watch report and required to submit a plan of improvement. If local officials are unable to return the municipality to an acceptable level on their own, the commission assumes control of all local financial decisions, including taxing issues, until the problem is corrected. Additionally, the commission approves and sells all local bonds for public structure investments, which both increases the level of state oversight and reduces the potential for local mismanagement of debt. Bond agencies assign a premium to this monitoring system, considering it a model system (Coe, 2007).

Features of North Carolina's approach provide intriguing options for Michigan lawmakers, such as a codified, professional state office and extensive front-end monitoring to identify potential crises. However, evaluating these policies in isolation – i.e., in the absence of key contextual factors – is likely to overstate the potential success of North Carolina's policies if they were to be enacted in Michigan.

For instance, according to the U.S. Census Bureau, in 2007, North Carolina had 548 municipalities, no other local general-purpose governments and 100 counties; Michigan had 533 cities and villages (municipalities), 1,242 townships and 83 counties. A consequence of Michigan having three times as many local governments as North Carolina is that the volume of reports that would need to be reviewed for monitoring purposes would be three times as great.[26] Certainly this would require more resources devoted to oversight at the state level, thus putting additional stress on the state budget.

The states differ greatly on other dimensions of the elements of state context identified in Section I. North

25 http://www.crcmich.org/PUBLICAT/2000s/2000/memo1053.pdf.

26 This does not include the additional resources that would be required to monitor school districts, special districts or other governmental units.

Carolina has an obligatory state pension system; Michigan does not. In 1947, North Carolina declared it illegal for local governments to bargain with unions.[27] Conversely, Michigan's local governments have a strong history of collective bargaining and excluded police and fire unions from 2012's right-to-work legislation. Tax and expenditure limits, when averaged from 1970 through 2005, rank Michigan as the third most restrictive state in limits placed on local governments. North Carolina is 38th – a property tax rate limit on counties and municipalities, set in 1973, has remained its only TEL.

The differences in the state policy context between the two states suggest that Michigan should be cautious when drawing lessons from North Carolina as its model for intervention policies. We attribute North Carolina's success in preventing municipalities from entering distress not to the design of its specific intervention policy but rather to a much tighter link between its policy approach and the state-imposed context for fiscal distress.

(3) Rebuilding State-Local Partnerships: Key Insights from Rhode Island, New Jersey, Pennsylvania, New York and Ohio

One of the more striking findings to emerge from our workshop and subsequent research is the difference between Michigan's approach to local fiscal distress and the approaches of comparably situated state governments. These differences are laid bare in Table 3. Plainly put, state policies and institutions effectively incubate budgetary imbalances; yet lawmakers and administrators have ignored potential front-end damage when designing the policy aimed at helping communities in distress. Rhode Island, the state most comparable to Michigan in the priorities of its intervention policy and the powers granted to state receivers, also provides financial assistance to municipalities most in need, targeting aid to communities with a high property tax burden relative to taxpayer wealth through the state's Distressed Communities Relief Fund thus buttressing the revenue capacity of its local governments.[28] With respect to this specific aspect of state context, Rhode Island generally provides higher levels of state aid.

New Jersey and Pennsylvania: A More Comprehensive View of Local Financial Failure

Beyond Rhode Island, Michigan lawmakers have a variety of states from which to learn about the viability of policy alternatives. New Jersey and Pennsylvania have enacted receivership laws that are quite different than Michigan and Rhode Island. Internal mismanagement is not eschewed entirely; rather it is considered alongside the external, structural dynamics with which local lawmakers must contend. This more holistic causal story both reinforces and is reinforced by choices that these states have made regarding implementation and administration.

New Jersey's policy of assisting cities during times of financial crisis originated in the Great Depression. Since that time, the state has built support within its bureaucracy to review and approve city budgets and offer financial and technical assistance as needed to prevent cities from entering bankruptcy. Rather than appointing a state-level official to take charge of a city`s finances (such as an emergency manager in Michigan),[29] New Jersey seeks to assist local officials in alleviating distress. This partnership is reflected in the mission statement of the New Jersey Division of Local Government Services (DLGS), a division of the Department of Community Affairs. It states that the DLGS "serves as an advocate for local Government interests," provides assistance and is responsible for "financial integrity." The DLGS provides advisory services to local governments, both once the community is identified as distressed and on request of the municipality, and also licenses and educates local officials.

Not surprisingly, these two services help establish a partnership between state and local officials independent of the financial position of the municipality. The state requires that all local government budgets and certain financing and purchases be approved by state agencies.[30] The budget review is conducted by department staff members (many hired short-term annually) and is made easier for local units of government by state-provided training and consistent reporting requirements. When these preventive actions fail to ward off systemic financial issues, the state begins a more involved intervention. The community is first placed on a watch list, at which point the state generally channels additional monetary aid to the struggling government. The state also uses its Qualified Bond Act Program, which requires state approval to bond or make capital expenditures, to ensure stability and prevent default. This program can capture and stall state aid for payment of debt services. At the same time, DLGS offers technical assistance to cities to help them solve underlying problems that contribute to fiscal distress.

The most notable example is the consolidation of the Camden police force in 2010. The mayor terminated the entire city police force and contracted with the county to provide those services, with the guidance and support

27 N.C. Gen. Stat. 95-78 to 84 (http://www.nrtw.org/right-work-states-north-carolina).

28 Established in 1990. Municipalities that fall in the bottom 20 percent of three of the law's four indices qualify to receive state aid under the law. In the 2014 fiscal year, seven municipalities received funding through this legislation, a total of $10.4 million

29 Until recently, when Atlantic City was declared to be in fiscal distress and an emergency manager was appointed.

30 Procurements over $5 million must be reviewed by the comptroller, and those over $10 million must be directly approved.

of state officials.[31] Camden illustrates the cooperative efforts of various levels and sectors of the state and local governments. It highlights that preventive efforts to maintain or restore fiscal sustainability are not always sufficient, but that a collaborative approach can assist cities and the state through difficult political decisions. New Jersey's approach indicates that the state views itself in partnership with local governments, with a responsibility to provide a check on risky financial decisions but also to provide ongoing financial assistance to struggling communities.

In contrast to New Jersey's hesitance to use direct state control, Pennsylvania's Act 47 allows the state to place fiscally distressed communities in receivership under the direction of the Center for Local Government Services in the Department of Community and Economic Development. Once a municipality has been placed under receivership, local government officials must have the majority of their decisions confirmed by the receiver, and the receivership board may implement cost-saving or revenue-raising strategies unavailable to local officials. The board has the ability to raise taxes above the legal maximum but has no additional powers in collective bargaining. Principally, the receiver acts as a liaison between the local government and others to improve the financial integrity of the city and is typically able to broker additional state funding for the distressed community. In Harrisburg's recent financial descent, for instance, the receiver was able to facilitate $25 million of revenue to fund a non-profit that would provide infrastructure and economic development.

Receivers in Pennsylvania tend to take a comprehensive view of local financial difficulties as they work with the state to look for alternative partnerships and unique revenue-enhancing and cost-sharing schemes. Proposed financial recovery plans often include recommendations that will improve local governments' economic positions in the future. This approach extends through the process of recovery. It requires more research, more interactions and coordination between parties, and more time to allow for business adjustments and industrial reorganization. Furthermore, it includes a period of weaning cities off the additional funding to which they had access during their most trying times. To officially exit Act 47, cities must follow an extensive process that includes hearings and the department director's signature. As a result, Pennsylvania has had only seven of 28 distressed communities officially conclude the process. Allowing cities to remain in a system with additional structure and support illustrates Pennsylvania's acknowledgement that factors outside of local control contribute to fiscal issues, and that the state has some role in providing additional support.

In all, intervention policies in New Jersey and Pennsylvania are administered by state agencies dedicated to working with local governments. State personnel are involved with municipalities well before distress, and they have resources and authority to assist municipalities. Though administrators are afforded the statutory authority to assume greater control over city finances, this is not the only facet of their relationship with local governments.

New York and Ohio: The Benefits of Monitoring

Similar to New Jersey and Pennsylvania, New York has established a system that supports state and local cooperation and information sharing. As local fiscal crisis deepens, the state becomes more involved in local political and operational affairs. The state's policy approach to local fiscal emergencies is ad hoc\ (rather than multijurisdictional), allowing lawmakers to survey the specific causes of distress for a given community and legislate solutions in line with these problems.

As is well-documented, New York's history of fiscal intervention begins with New York City's near bankruptcy in 1975. Naturally, a crisis of that magnitude spurred state action, but since that time, New York has not been plagued by chronic distress. This is due in part to cities' ability to increase revenues without legal restriction (until 2014, when the state imposed a cap on property tax increases). Additionally, many New York communities have avoided the economic peril that results from a loss of major industries and subsequent economic restructuring.[32] This history is evident in the state's view of municipal distress as an unusual and unique instance that requires customized solutions. New York provides gradual intervention and individualized approaches to distress, with the decisions and the process supervised by state elected officials – the governor, the legislature and the comptroller.

In addition to customized intervention approaches to distressed cities – which could violate the constitutions of states that disallow special legislation – New York is also heavily involved in monitoring the fiscal position of its local governments. The state's Local Government and School Accountability (LGSA) unit of the Office of the State Comptroller operates the Fiscal Stress Monitoring System, which reviews annual financial data of local governments to determine whether each government is facing significant, moderate or probable fiscal stress. Municipalities must submit audit reports, which are reviewed and in some cases conducted by approximately 200 auditors.[33] From annual reports, budgets and audits, the LGSA creates local fiscal measures for benchmarking, trend analysis and

31 Returning to the role of other state policies in distress solutions, this action would not have been possible without particular provisions within union and employee contracts that allowed for such termination of individual employees.

32 Buffalo was an exception and did necessitate intervention proceedings. It should be noted that Buffalo is one of only four New York local governments responsible for operating its own school district.

33 These 200 employees review audit reports of school districts and other local governments as well as municipalities.

general monitoring over time and across local government types. State auditors are also deployed to work with local governments. As a result, state officials may use knowledge of community nuances in evaluating local deviations from sound fiscal indicators and state trends. Such specialization is particularly useful as state intervention becomes necessary.[34]

If a local government is identified as financially unsound, the state must pass special legislation to institute a local control board for the municipality to engage in the formal intervention process. After a local control board is created, primary authority over the struggling municipality is transferred from the comptroller's office to the governor-appointed board.

Each board, by the nature of the process, has different powers. Previous boards have overseen proposed local budgets and set personnel policy, and were granted the final authority to initiate bankruptcy proceedings.[35] That the boards have had no additional taxing authority, ability to renegotiate previous collective bargaining agreements nor authority to make unilateral budget decisions reflects the state's emphasis on local autonomy.

The boards have been particularly useful in coordinating intergovernmental solutions. For instance, the Buffalo Fiscal Stability Authority (BFSA) was established in 2003. It helped Buffalo manage its additional school district responsibility and restructured the city's pension and health insurance plans by joining the respective state-level systems. Finally, the BFSA brokered an arrangement for city parks to be managed at the county level and for 16 libraries to close. Despite the local knowledge and intergovernmental efforts, it took nearly nine years for Buffalo to exit receivership and for the BFSA to transition into an advisory role. Policy specifies that the BFSA will serve in this role until 2037, and the city may revert to full receivership if financial indicators show distress.

At the state level, New York vests its relationship with local governments and the power to intervene in elected officials – the governor, the comptroller and the legislature. This separates the state's ongoing monitoring from its intervention, and though it raises the legislative barrier to intervention by requiring the crafting and passage of legislation, it also provides public accountability and a system of checks and balances. The ability to draft city-specific solutions allows New York to address management issues, economic conditions and the impacts of the state context in different ways in each city, ideally assisting the community to long-term stability.

Ohio, like New York, faced a fiscal crisis in its largest city in the 1970s. Cleveland's default on short-term notes in 1978, which made it the first municipality to default since the Great Depression, led Ohio to develop a comprehensive policy designed to prevent and, if necessary, intervene in distressed cities (Pew Charitable Trusts, 2013; Levine, Scorsone and Justice, 2013). No municipality has defaulted since Cleveland, but Toledo, East Cleveland and other municipalities have entered fiscal emergency status, particularly once the Great Recession exacerbated declining revenue bases and expenditure pressures.

Ohio's Local Government Services Division, located in the state auditor's office, is responsible for training local officials and auditing local budgets. Chapter 118 of the state code,[36] which deals with local fiscal emergencies, grants the Local Government Services Division (the auditor) responsibility for categorizing distressed communities for fiscal caution, fiscal watch or fiscal emergency. The categorization system signals to local officials, bondholders and other stakeholders the extent of the local government's fiscal stress and the ease of financial recovery anticipated. It serves as a useful continuum of distress, recognizing that failing to pass one indicator of financial soundness may not require the same actions as a community failing multiple triggers. Each category has an increasing level of oversight (i.e., requirements for audit depth and financial plan proposals). Once fiscal emergency is declared, an advisory board is created.

Under all three distress categories, local governments are required to submit recovery plans to the Local Government Services Division. If a local government is not compliant with its recovery plan, the only penalty is movement to a higher designation of fiscal distress. It is not until a municipality reaches the fiscal emergency status that penalties are imposed.

As part of the fiscal emergency proceedings, municipal officials must submit a recovery plan to the recovery board for approval. If a plan is not submitted or the local government fails to adhere to a plan, the Office of Budget and Management is supposed to suspend all state funding to that municipality,[37] though this penalty has never been fully enforced.

34 Ultimately, any distressed community implements solutions that are specific to its condition. A universal policy prescription is to reduce expenditures. However, no universal prescription can be made on what account specifically should be limited and in what way. Knowledge of exact inefficiencies, redundancies, slack and so forth is necessary to act. If outside agents are to advise on such actions, their already having some knowledge of the particulars of the city will allow for more expedient and implementable recommendations.

35 Control boards are not granted this authority for New York City.

36 The other elements comprising the law became effective, were revised or added in 1996, 1999, 2001 and 2002 – http://codes.ohio.gov/orc/118 (pdf). The state's approach is consistent with the autonomy allowed Ohio's local governments. Section 118.02 (B) of the state code states that, "[t]he intention...is to enact procedures, provide powers, and impose restrictions ...while leaving principal responsibility for the conduct of the affairs...in the charge of its duly elected officials." The effort to maintain local autonomy is demonstrated by the fact that the review process of the Local Government Services Division is initiated by request of local officials as well as at the suggestion of auditors.

37 Although individuals receiving direct state welfare within the community's borders continue to do so.

Ohio, like other states, struggles with assisting communities to achieve permanent fiscal stability. The city of East Cleveland was under fiscal emergency for 18 years. Exiting the process failed to mark long-term sustainable success – East Cleveland was once again placed under fiscal emergency. In late 2014, it was considering entering into bankruptcy proceedings,[38] and the city's mayor filed a petition seeking a merger with the city of Cleveland in the summer of 2015.[39]

Ohio, like Michigan, illustrates the issues that arise when a state's solution (intervention policy) does not match the causes of distress (context). Local officials retain control of decision making and the plan to resolve distress, but they and the state agency responsible for intervention lack the authority or resources to address the root causes of distress or to circumvent the pressures that the mix of state policies adds to local fiscal policymaking processes.

38 http://www.morningjournal.com/general-news/20141226/east-cleveland-considers-bankruptcy.

39 http://www.cleveland.com/cityhall/index.ssf/2015/07/east_clevelandmayor_gary_nort.html.

Section 3: Conclusions and Recommendations

In the previous sections we identified the ways that broad state policies limit or enhance the local governing options and the ways that states with intervention policies match their approach to local financial distress with the reality of city operating environments. Here we conclude our analysis with conclusions and practical recommendations to assist the C.S. Mott Foundation, state and local officials, and Michigan residents in identifying a more effective approach to local fiscal crises.

(1) Conclusions

There is no single model policy for state intervention in distressed cities or for prevention of fiscal distress. Changing Michigan's fiscal intervention law to replicate that of another state would likely provide little improvement for Flint or other cities facing fiscal crises. There is no "best practice" for state intervention in cities. What Michigan can learn from other states and our research is that removing and repairing mismanagement addresses only one cause of fiscal distress. Bringing a structurally imbalanced budget back into balance is an important step to assist cities like Flint, but a policy that does not address a state's unique system of revenue, tax and expenditures, and labor policies may not help cities truly escape financial trouble over the long term. States must decide which legal and political tradeoffs they are willing to make to support city fiscal health. Michigan must also recognize that, in comparison with similar states, it provides a particularly difficult environment for its cities.

Municipal fiscal distress is not just a local problem. State policy choices set the boundaries for local action and the conditions under which cities receive assistance. It is not surprising that these conclusions do not point to simple solutions, executable at the local level. Changing any one part of the state context is politically challenging, and it would be impractical to recommend major policy overhauls of Proposal A, the Headlee Amendment, collective bargaining rules and state revenue sharing. Ideally, Michigan would adopt a more balanced approach to its local governments' fiscal needs, but we are aware that this is unlikely in the short term because of both political will and the high barriers to changing constitutionally enshrined rules. Instead, we offer recommendations that balance improvements that would better support cities in fiscal distress with political feasibility.

(2) Recommendations

Create a state agency that coordinates services to local governments and offers technical support and fiscal monitoring. Establishing a formal place within state government that is responsible for ongoing, cooperative work with local governments on fiscal stability and other issues would help create a partnership and culture of trust between the state and its municipalities. The Department of Treasury does provide some of these services on an individual basis via the Office of Fiscal Responsibility (OFR), but the OFR does not have the resources necessary to provide a comprehensive system of support to all of the state's local governments.

It is important that whatever agency is created be empowered with human resources to sufficiently provide service; financial resources, separate from the state's revenue sharing to local governments, to offer special assistance where needed to communities facing challenges or distress; and a position within the state departmental structure that allows it to be taken seriously when recommending policy and working with other departments to assist local governments. The examples of offices in the other states in our study may provide elements of the agency's design, but the office should be built with Michigan's particular context and culture in mind. It may be appropriate to expand the OFR in its current position, but moving the office to another department, establishing it as a stand-alone agency and other potential structures should be evaluated as well.

Raise awareness among citizens and state decision makers that the causes of fiscal distress are not solely at the local level. Flint is an example that can illustrate this point as the C.S. Mott Foundation and city leaders communicate with the public and state officials. As the city emerges from state control, the budget is balanced for the short term, and the transition advisory board is in place to monitor management and compliance with the plan. Yet revenue projections show the city likely facing a structural deficit in the next five years with little available to cut from the budget. State control has reasonably removed management problems as the cause of deficits, yet the city's fiscal health remains precarious. A focused communications effort highlighting the combined effects of Michigan's expenditure, revenue and labor policies could help broaden the discussion of fiscal distress in the state and create awareness that this is more than a local problem. Rather than being the exception, Flint may be the harbinger of what is to come for Michigan's local governments without changes at the state level.

Appendix

Section 1

The following table lists the key concepts that make up core elements of the state context for local fiscal distress, our empirical measure of the concepts, and the data we brought to bear to generate these measures.

Concept	Measure(s) – by Figure/Table	Data
Revenue Pressures		
State Aid Environment	**Figure 1**: Annual average of per capita state aid in real 2005 dollars to three (population) classes of U.S. cities: (1) population > 100,000; (2) population between 25,000 and 100,000; and population between 5,000 and 25,000. Years: 1970 to 2005. **Figure 2**: Annual average of per capita state aid in real 2005 dollars allocated by each of the 48 contiguous states for the years 1970 and 2005.	U.S. Census Bureau. Annual Survey of State and Local Government Finances and Census of Governments (1970-2005). See: http://www.census.gov/govs/classification/
Tax and Expenditure Limits	**Figure 3**: Annual count of state adoptions of five types of TELs, 1970 to 2005. **Figure 4**: State TEL severity score for 1970 and 2005. Severity score indexes six key characteristics of state-imposed TELs: (1) the type of TEL; (2) if the TEL is statutory or constitutional; (3) growth restrictions; (4) method of TEL approval; (5) TEL overrides and exemptions; and (6) method of override.	Amiel, Deller, and Stallmann (2009). http://www.aae.wisc.edu/pubs/sps/pdf/stpap536.pdf
Revenue "Carrot" and Revenue "Stick"	**Figures 5 and 6 and Table 2**: Displays policy distance between state aid environment and state-imposed TEL restrictions. State aid and TEL z scores were calculated for each state year. (These standardize the relationship to the average of all states and all years and represent how many standard deviations a score is from the average.) The aid measure is per capita state aid in real 2005 dollars for cities with populations over 5,000. The TEL measure is the TEL severity score described above. These scores were then differenced (Aid_z minus TEL_z in Figure 5; TEL_z minus Aid_z for Figure 6 and Table 2) to create the distance measure. The values displayed are the average distances from 2000 through 2005. Carrot states are 1.5 standard deviations above the mean difference; stick states are 1.5 standard deviations below the mean difference.	**Aid**: U.S. Census Bureau. Annual Survey of State and Local Government Finances and Census of Governments (1970-2005). **TEL**: Amiel, Deller, and Stallmann (2009).

Expenditure Pressures		
Collective Bargaining Environment and Labor Costs	**Table 1:** Five-category classification scheme, ranging from Very Weak to Very Strong. The collective bargaining strength of local police, local fire fighters, teachers, and "other" local employees – the four main functional areas of local public employment – are measured along three dimensions: (1) collective bargaining rights for local public employees, ranging from "Duty to Bargain" to "Collective Bargaining Is Prohibited"; (2) Union Security Provisions via the existence of a Right-to-Work Law for local public employees; and (3) Strike Policy Provisions. **Figure 6 and Table 2:** Public sector employee union membership as a percent of all public sector employees in state, 2000-2014. Z scores were calculated to standardize the relationship to the average of all states over this 15-year period. The score represents how many standard deviations a state's percentage is from the average state.	**Collective Bargaining Environment:** NBER Public Sector Collective Bargaining Law Data Set. Valletta and Freeman - original (1988); Rueben - update (2000). See: http://www.nber.org/publaw/ **Labor Costs:** Hirsch and Macpherson. (2003).Union Membership and Coverage Database from the Current Population Survey: Note. See: http://unionstats.gsu.edu/CPS%20Documentation.htm

Section 2

We invited three types of individuals to participate in the Workshop on State Intervention in Distressed Communities held at Detroit's Greektown Hotel and Casino October 16-17, 2014: individuals who were formally involved in various elements of state intervention policy design and implementation, those involved in local fiscal distress and bankruptcy from a legal standpoint, and policy experts and researchers. The following table classifies the participants.

State/Affiliate	No. of Participants
Michigan	4
New Jersey	1
New York	1
Ohio	1
Pennsylvania	1
Rhode Island	1
Attorney's, private practice	2
Unaffiliated policy experts	3
C. S. Mott Program officers	2
Local finance professionals	2
MSU researchers	2
MSU research team	5

The following table provides a detailed agenda of the workshop proceedings:

Session Title	Outline
Setting the Context	Surveying the causes and consequences of local fiscal distress, with particular attention to the relatively weak position of local governments in the U.S. federal system: • Review of structural, economic, fiscal, intergovernmental, institutional, and political causes • Local governments' response to fiscal distress • State policies/institutions' role in local fiscal capacity • State policies designed to help local governments meet their financial problems
State Intervention in Distressed Communities: The View From Michigan	An in-depth view of Michigan's approach to local fiscal distress through the eyes of those closely involved in the policy's design, implementation, and evolution
A Deep Dive Into State Intervention: Policies on Paper v. Policies in Practice	A structured dialogue about the participants' experiences with key elements of state intervention. • *Stage 1: Getting in* Where and when is pre-intervention support offered? How are distressed localities identified? When and how do local governments enter the program? How are decision criteria applied? • *Stage 2: Developing a plan* Who carries out the intervention? What actions may these actors take? What are the specific goals of intervention? What are the chief barriers to effective implementation? • *Stage 3: Exit strategy* How does a local government exit the program? Are triggers well specified? When, if ever, are medium- and long-term fiscal, economic, or service-based objectives discussed?
Detroit, Michigan – Ground Zero for the Changing Fiscal Relations Between State and Local Governments	A detailed view of the City of Detroit's ongoing intervention and bankruptcy processes

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The Flint Fiscal Playbook:

An Assessment of the Emergency Manager Years (2011-2015)[1]

MSU Extension White Paper

By:

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2. Dr. Eric Scorsone is a faculty member and Mary Doidge, Danielle Kaminski and Traci Taylor are or were graduate students in the MSU Department of Agricultural, Food and Resource Economics. Dr. Josh Sapotichne is a faculty member and Erika Rosebrook is a graduate student in the MSU Department of Political Science.

7/31/2015

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I. Introduction

The city of Flint, Michigan, has experienced a variety of fiscal difficulties since the early 2000s. In 2002, an emergency financial manager was appointed for the city under Public Act 72 of 1990 and was in place until 2004. Unfortunately, the reforms and changes made at that time only lasted for a few years before fiscal problems re-emerged in Flint (see MSU Extension white paper *Long-Term Crisis and Systemic Failure: Taking the Fiscal Stress of America's Older Cities Seriously*). By 2011, a second wave of emergency managers would be named to run the city under two newer laws (including PA 4 of 2011 and PA 436 of 2012). These emergency managers were removed from the city, restoring home rule in April 2015. The key question: Can Flint avoid the problems that have plagued it for the last 15 years without being placed under state control for the third time? Before answering that question, we must understand the reforms and changes that have occurred in the city since a fiscal emergency was declared in 2011.

The objectives of this case study of Flint, Michigan, are to understand the economic and fiscal trends that led to the state takeover via an emergency financial manager in November 2011 and to analyze the impact of the emergency manager policy on the city's fiscal health. It updates trends presented in a previous case study on fiscal stress in Flint,[3] provides additional detail regarding the policy changes that emergency managers have made, and examines the impacts of those changes.

[3] Eric Scorsone and Nicolette Bateson, *Long-Term Crisis and Systemic Failure: Taking the Fiscal Stress of America's Older Cities Seriously* (Michigan State University Extension, September 2011), http://expeng.anr.msu.edu/uploads/files/42/MSUE_FlintCaseStudy-2011%202.pdf

II. Historical Overview of Flint, Michigan

Examining the history of Flint can provide an understanding of the evolution of the chronic fiscal stress that has plagued the city, as well as its significance in the geographic region. The city of Flint is located in Genesee County, about 60 miles northwest of Detroit. The Flint River provided the natural resources to create successful commerce in the 1800s for fur trading, the lumber industry, the manufacture of carriages, and eventually the production of horseless carriages that led to the birth of the automotive industry. The entrepreneurial spirit and wealth in the area contributed to the founding of the Buick Motor Company in 1903, followed by the incorporation of General Motors (GM) in 1908. With the rapid growth of the automotive industry came concerns for employee working conditions. This led to the first automotive sit-down strike in 1936-1937 in Flint. After 44 days, the strike ended with the first union agreement with GM, which gave rise to the United Auto Workers (UAW). The continued improvements in working conditions and wages enabled Flint to become an ideal place to live and work, and the increase in wealth fostered a well-respected educational system. Early automotive industry leaders such as Charles Stewart Mott and William C. Durant provided the vision to create a strong cultural environment. Flint prospered for most of the years from the 1930s into the early 1970s. Like many industrial cities, however, the economic vibrancy ebbed and flowed with the U.S. automotive industry. In 1978, GM employed over 80,000 Flint-area residents. By 1990, the number of employees decreased to 23,000, dipping to as low as 8,000 in 2006.

City Government

The City of Flint was incorporated in 1855. The present charter, adopted in 1974, provides for a strong mayor-council form of government. The city council consists of nine members, each representing a ward and serving four-year terms. The mayor, also elected to a four-year term, is the chief executive officer. The mayor appoints a city administrator, as well as principal officials and department heads.

The City of Flint provides a full range of services across 32.8 square miles, including: police and fire protection, construction and maintenance of streets and infrastructure, recreational and cultural activities, water and sewer services, and sanitation and garbage pickup services. In addition, the City of Flint is financially accountable for four other entities:

- City of Flint Board of Hospital Managers (manages and operates the Hurley Medical Center providing inpatient, outpatient, and emergency care)
- Flint Downtown Development Authority (promotes rehabilitation of the downtown area)

- City of Flint Economic Development Corporation (provides financing and development opportunities for businesses located in the City)
- Flint Area Enterprise Community[4] (coordinates the federal enterprise and helps to leverage the resources for the zone)

Flint is the county seat for Genesee County. Like most counties in Michigan, the county government provides court services, human services, record keeping, and community enrichment for its residents. The county and its elected officials also serve as regional problem solvers.

Demographics

The city of Flint's population has changed drastically over the past 50 years. This section explores the historical changes that have occurred throughout the city and region. These trends are essential for explaining the path that has led to Flint's fiscal distress and may point to the path that the city may need to follow in order to build a sustainable future.

Population

According to data collected by the U.S. Census Bureau, the population of the city of Flint has declined over five consecutive decades. There were 48% fewer residents in the city in 2010 compared to 1960 (**Exhibit II-1**). In 2012, there were 100,515[5] residents in the city; in 2013 the city's estimated population further declined to 99,758[6].

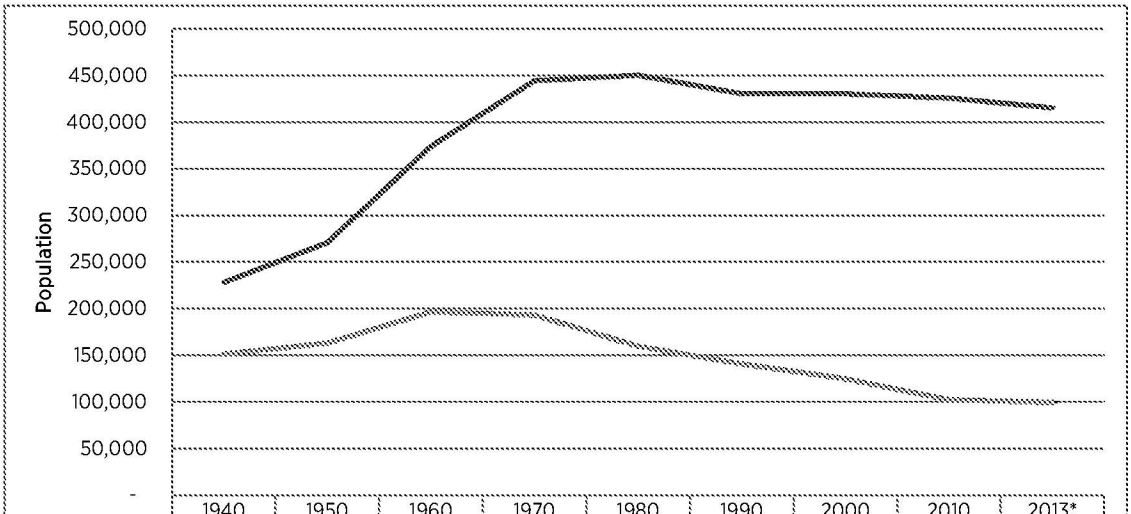
In contrast, the population trends in the Flint metropolitan statistical area (MSA), defined by Genesee County boundaries, indicate enormous growth through the 1970s with slight declines over the following three decades. This indicates that the Flint metropolitan statistical area has experienced significant decentralization.

4 The Flint Area Enterprise Community (FAEC) was consolidated with the Economic Development Corporation (EDC) (with the EDC Board of Directors exercising authority and control of the FAEC) by an executive order of the city's emergency manager effective August 8, 2012.

5 With a margin of error of +/- 27 people.

6 2013 American Community Survey 1-year estimate, http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S0101&prodType=table

Exhibit II-1 Flint Metropolitan Statistical Area (MSA) and Flint City Population
Data source: U. S. Census Bureau (Decennial Census, American Community Survey*)

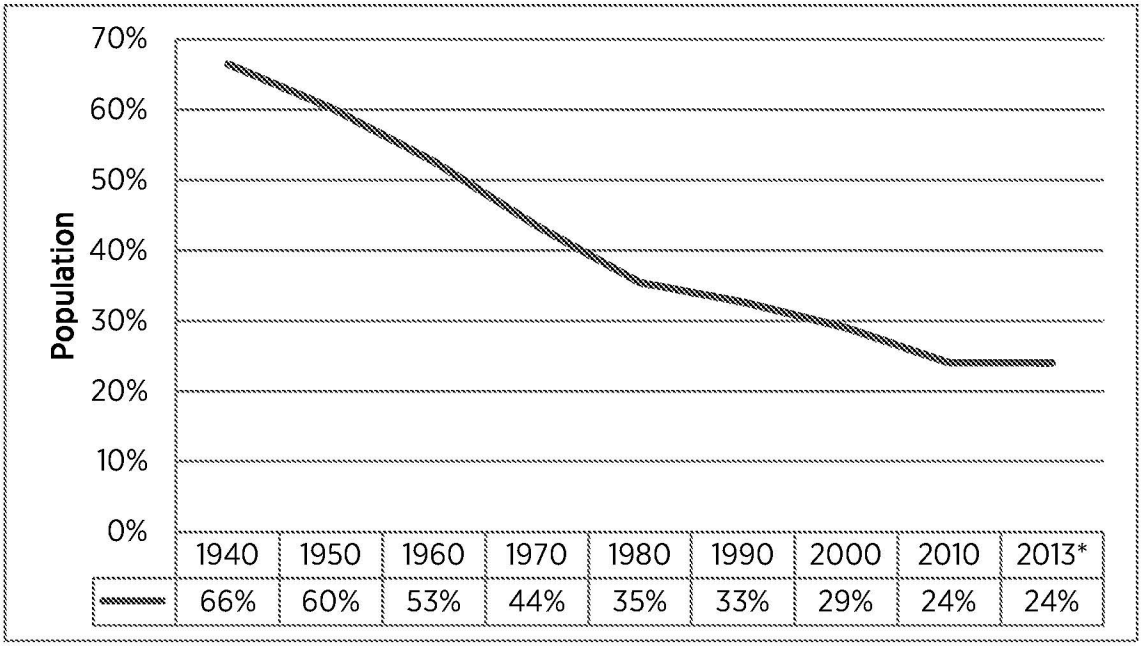


	1940	1950	1960	1970	1980	1990	2000	2010	2013*
MSA	227,944	270,963	374,313	444,341	450,449	430,459	430,459	425,790	415376
City	151,453	163,143	196,940	193,317	159,611	140,761	124,943	102,434	99758

Exhibit II-2 more clearly illustrates this decentralization. In 1940, the city of Flint comprised 66% of the population of the Flint MSA population compared to only 24% in 2013. The estimates from the 2013 American Community Survey indicate that the net migration into the suburbs may be starting to stabilize, though Flint's population has continued to decline in recent years.

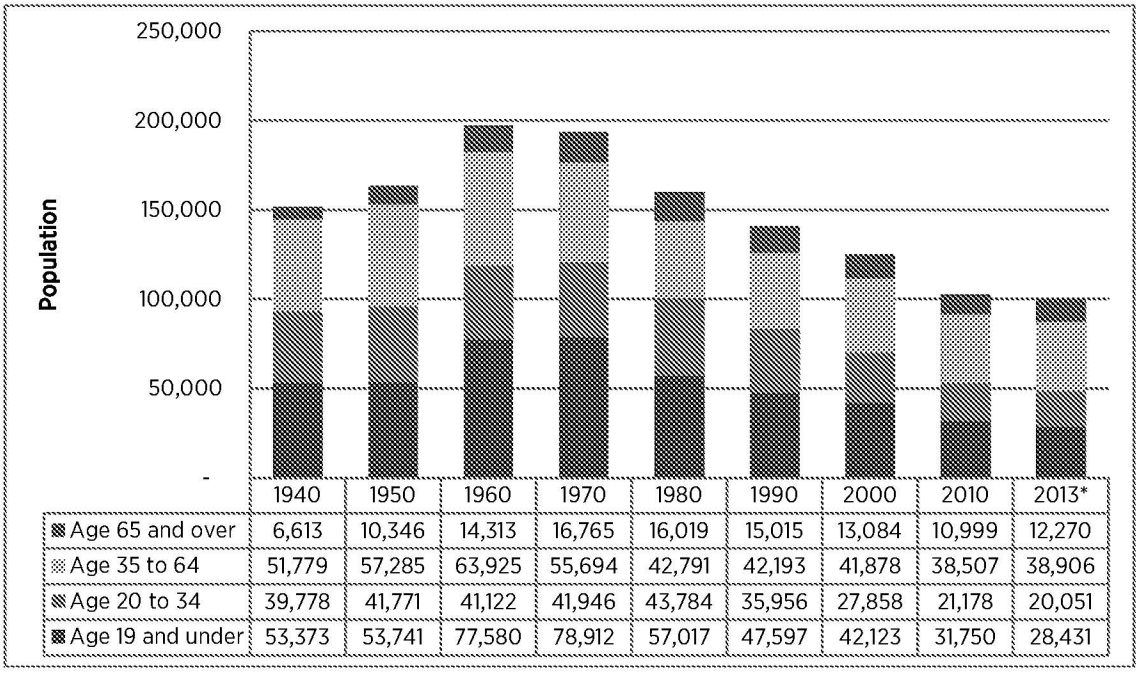
Population Characteristics

Flint's population has been aging over the past several decades. **Exhibit II-3** shows a breakdown of the number of people by age group in Flint from 1940 through 2013.



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
	66%	60%	53%	44%	35%	33%	29%	24%	24%

Exhibit II-2 Flint City Population as a Percent of MSA
Data source: U. S. Census Bureau (Decennial Census, American Community Survey*)



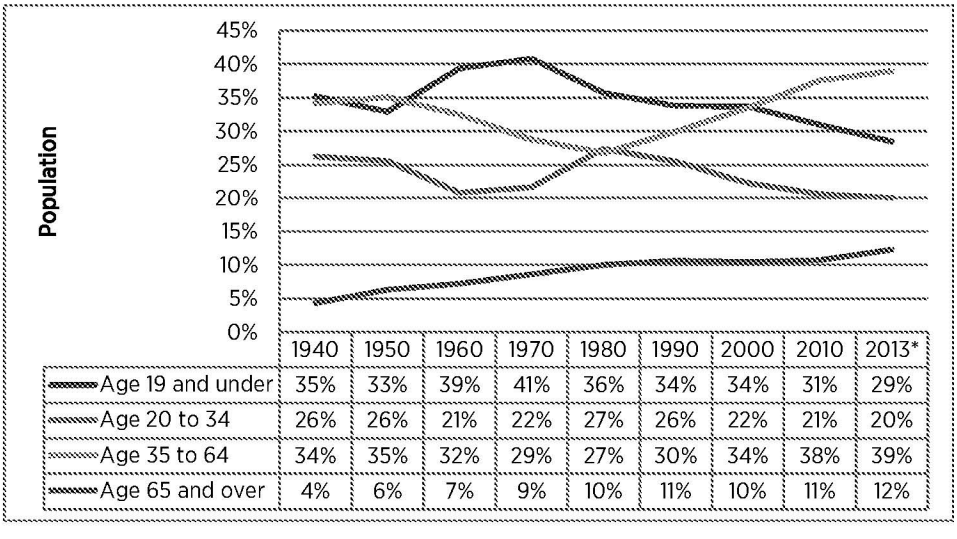
	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Age 65 and over	6,613	10,346	14,313	16,765	16,019	15,015	13,084	10,999	12,270
Age 35 to 64	51,779	57,285	63,925	55,694	42,791	42,193	41,878	38,507	38,906
Age 20 to 34	39,778	41,771	41,122	41,946	43,784	35,956	27,858	21,178	20,051
Age 19 and under	53,373	53,741	77,580	78,912	57,017	47,597	42,123	31,750	28,431

Exhibit II-3 Age of Flint Population
Data source: U. S. Census Bureau (Decennial Census, 2013 American Community Survey*)

To see this more clearly, **Exhibit II-4** shows the relative share of each age category in the total population for each year. The share of population aged 19 years old and under generally increased from 1940 to 1970 with the Baby Boom and has since continually declined from its peak of 41% in 1970, to only 29% of the population in 2013. The share of individuals aged 20 to 34 has fluctuated over the last seven decades, but has been on a general decline since 1980. The share of population aged 35 to 64 years old experienced a period of contraction from 1950 to 1980 followed by a continuous period of growth since then, likely due to the aging of the Baby Boomer population. Finally, during the past seven decades, there has been a fairly steady expansion of residents aged 65 and over, probably due to increased life expectancy. This demographic is expected to continue to expand with the aging of the Baby Boomer population.

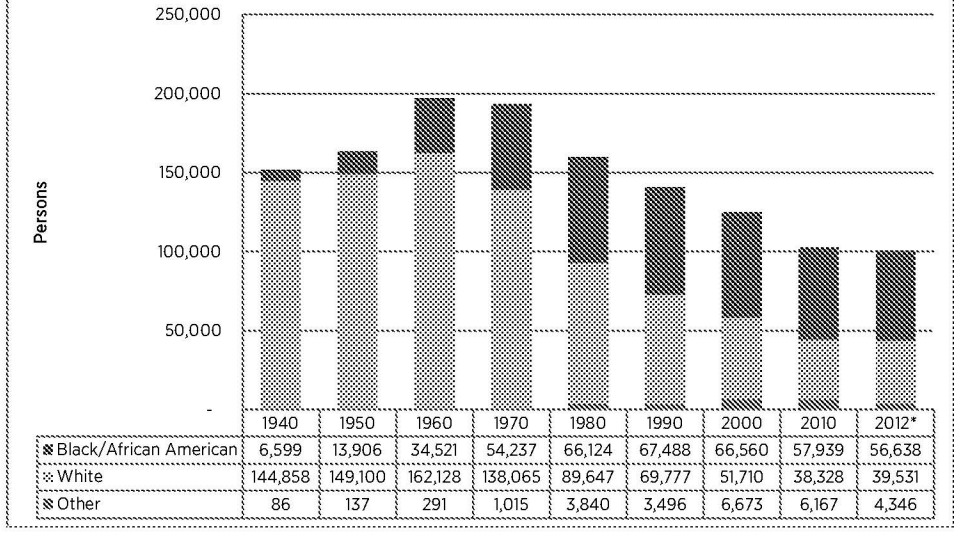
The racial distribution of the city has also changed since the 1940s, as shown in **Exhibit II-5**. The city has become more diverse with a population that is 39% white and 56% black/African-American in 2012 compared to 95.6% white and 4% black/African-American in 1940. The share of the population in the "Other" category, which includes both individuals of other races and multi-racial individuals, has also grown from 0.1% in 1940 to 6% in 2010.

Exhibit II-4 Flint Age by Percentage of Population
Data source: U. S. Census Bureau (Decennial Census, 2013 American Community Survey*)



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Age 19 and under	35%	33%	39%	41%	36%	34%	34%	31%	29%
Age 20 to 34	26%	26%	21%	22%	27%	26%	22%	21%	20%
Age 35 to 64	34%	35%	32%	29%	27%	30%	34%	38%	39%
Age 65 and over	4%	6%	7%	9%	10%	11%	10%	11%	12%

Exhibit II-5 Flint Population by Race
Data source: U. S. Census Bureau (Decennial Census, 2012 American Community Survey*)

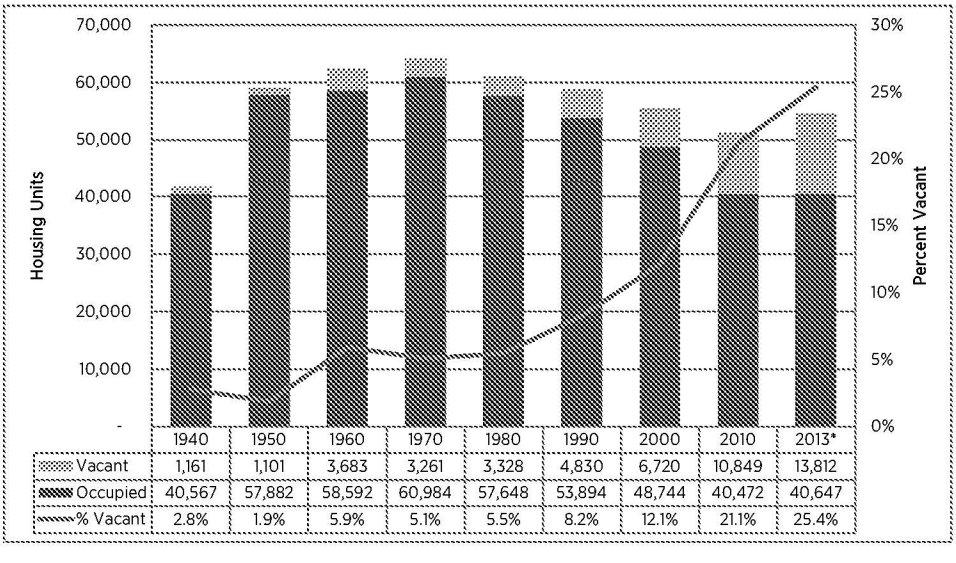


	1940	1950	1960	1970	1980	1990	2000	2010	2012*
Black/African American	6,599	13,906	34,521	54,237	66,124	67,488	66,560	57,939	56,638
White	144,858	149,100	162,128	138,065	89,647	69,777	51,710	38,328	39,531
Other	86	137	291	1,015	3,840	3,496	6,673	6,167	4,346

Housing Trends

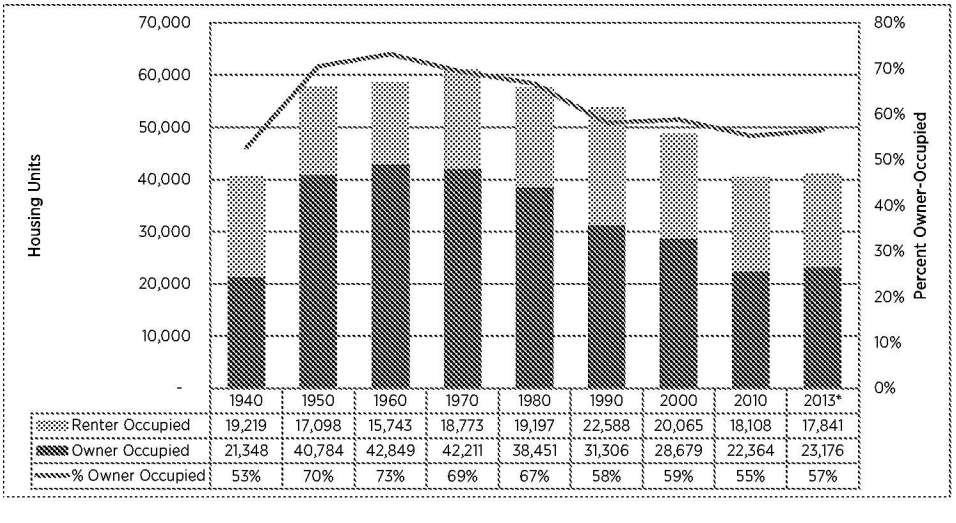
Housing trends also help tell the story of a city that is facing fiscal stress. The rate of housing vacancy increased from 5.1% in 1970 to 25.4% in 2013 (**Exhibit II-6**). The rate of change in vacancy was highest between 2000 and 2013 with a 13 percentage-point increase. This coincides with Michigan's decade of economic decline. The potential impact of increased housing vacancies on fiscal health include not only decline in property values and associated property tax revenues, but also increased municipal maintenance, police patrol, fire protection, and other costs to address health and human safety concerns.[1]

Home ownership is also associated with the strength of a community's property values. In 2013, owner-occupied housing only comprised 57% of occupied housing units compared to 73% of units at its peak over the last seven decades in 1960. However, the rate of owner-occupied housing in 2013 is a slight increase from its value in 2010, perhaps a small sign of recovery for the city of Flint (**Exhibit II-7**).



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Vacant	1,161	1,101	3,683	3,261	3,328	4,830	6,720	10,849	13,812
Occupied	40,567	57,882	58,592	60,984	57,648	53,894	48,744	40,472	40,647
% Vacant	2.8%	1.9%	5.9%	5.1%	5.5%	8.2%	12.1%	21.1%	25.4%

Exhibit II-6 Flint Vacant vs. Occupied Housing Units
Data source: U. S. Census Bureau (Decennial Census, 2013 American Community Survey*)



	1940	1950	1960	1970	1980	1990	2000	2010	2013*
Renter Occupied	19,219	17,098	15,743	18,773	19,197	22,588	20,065	18,108	17,841
Owner Occupied	21,348	40,784	42,849	42,211	38,451	31,306	28,679	22,364	23,176
% Owner Occupied	53%	70%	73%	69%	67%	58%	59%	55%	57%

Exhibit II-7 Flint Renter-Occupied vs. Owner-Occupied Housing Units
Data source: U. S. Census Bureau (Decennial Census, 2012 American Community Survey*)

Given these trends, it is no surprise that property values in the Flint area have declined drastically since the Great Recession as shown in **Exhibit II-8**. The state equalized value (SEV) and the taxable value (TV) have almost converged as of 2015. This could be attributed to a combination of falling property values and the "pop-up" effect of the transfer of ownership of property due to Proposal A (which will be discussed in more detail in section IV). Since local governments tend to rely heavily on property taxes for revenue, this is another indicator of the declining tax base of the city.

Economy

The trends in the jobless rate in the city of Flint and Flint MSA tend to follow the same pattern as that of Michigan as a whole (**Exhibit II-9**). The jobless rate rose during the 2001 recession and did not see sustained recovery until after the Great Recession ended in 2009; however, absolute unemployment rates tend to be higher in the city compared to the MSA and the state as a whole. While there has been a drop in unemployment in the city of Flint since the end of the Great Recession, it is still higher (14% in 2014) than pre-2001 recession levels (8% in 2000).

Exhibit II-8 State Equalized Value (SEV) and Taxable Value (TV) – Flint
Data source: Genesee County Equalization Department

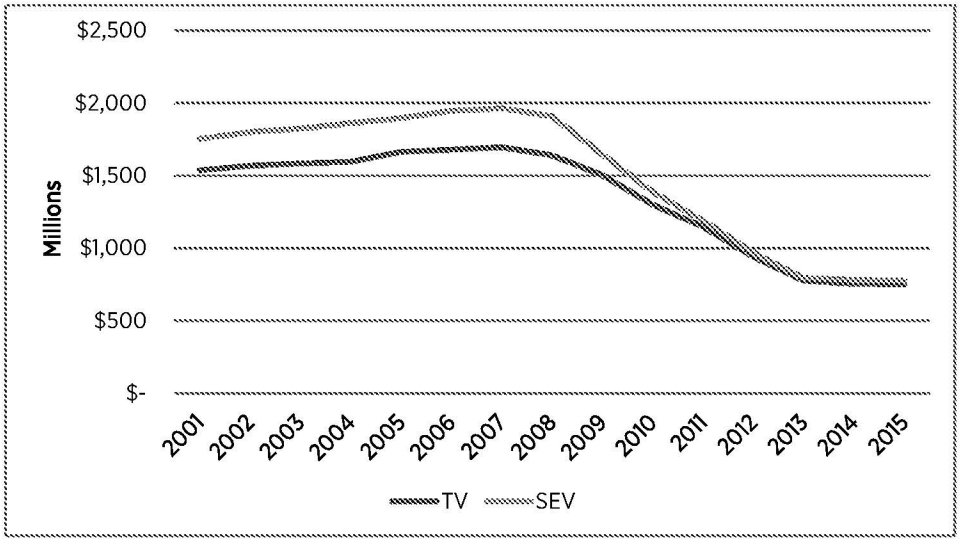
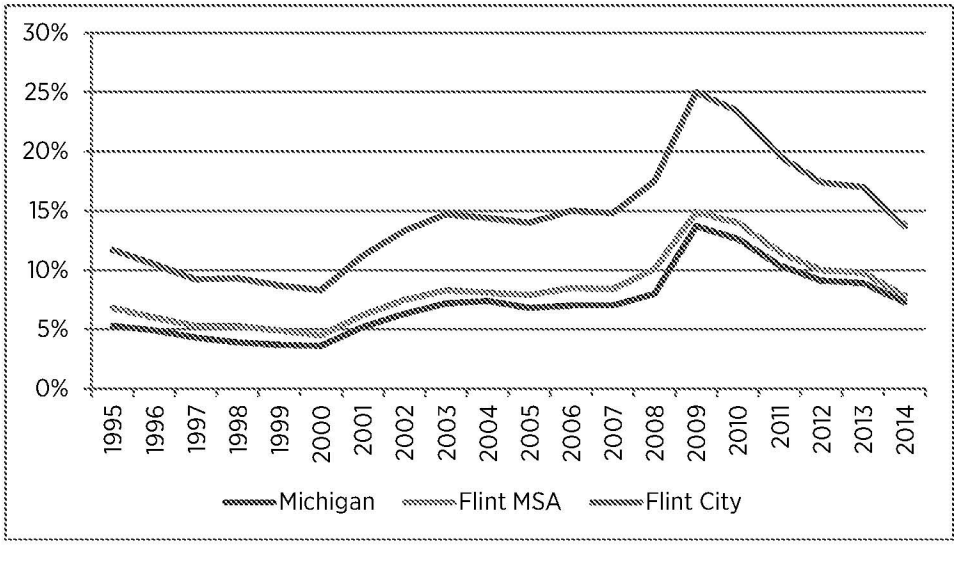


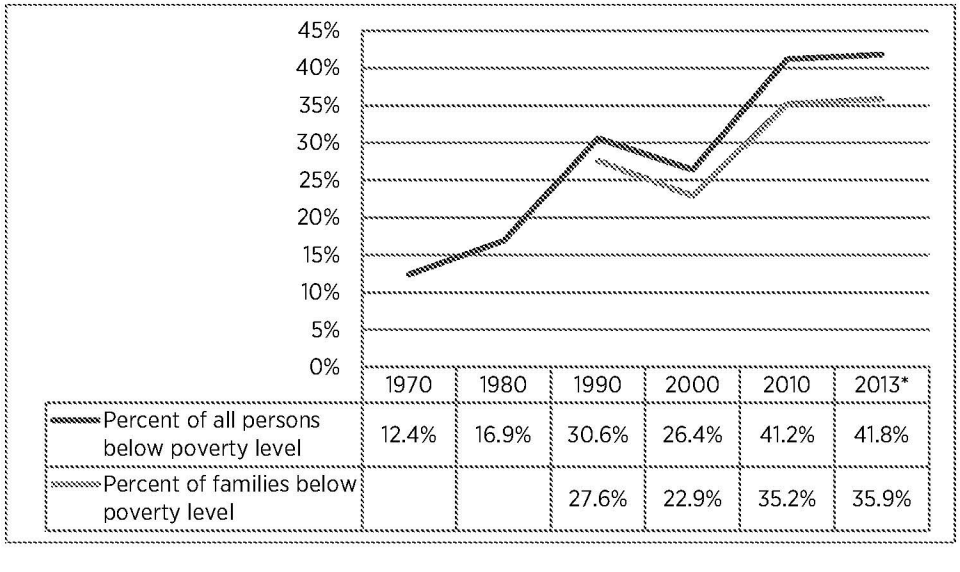
Exhibit II-9 Flint Jobless Rate
Data source: Michigan Department of Technology, Management & Budget



The city of Flint's audit reports disclosed the city's personal income statistics as shown in **Exhibit II-10**. While a slight recovery occurred after the 2001 recession, in general, personal income has been on a long-term decline since 1996, indicating a diminishing tax base. A decline in personal income not only indicates a lower capacity for property tax and income tax revenues, but also suggests a relation to a lower demand for business-type services. If this demand is fairly elastic with respect to personal income, this would lead to a reduction in city income from public recreation programs, parking fees, and similar sources. The decline in personal income began leveling off in 2009, suggesting signs of stabilization following Michigan's decade in recession.

While the economic climate in the 1990s and 2000s worsened the city of Flint's employment and income trends, many decades of above average poverty rates signal long-term fiscal stress. **Exhibit II-11** shows the general growth in the share of total population living below the poverty level, which peaked at 41.2% in 2010. The share of families below the poverty level follows the population trend. Poverty rates reported by the 2012 American Community Survey indicate

Exhibit II-10 Flint Personal Income
Data source: City of Flint Comprehensive Annual Financial Reports



	1970	1980	1990	2000	2010	2013*
Percent of all persons below poverty level	12.4%	16.9%	30.6%	26.4%	41.2%	41.8%
Percent of families below poverty level			27.6%	22.9%	35.2%	35.9%

Exhibit II-11 Population of Flint Below Poverty Level
Data source: U.S. Census Bureau (Decennial Census, 2012 American Community Survey*)

a possible improvement since 2010, which also coincides with the improvements in unemployment and income, discussed above. If the unemployment and income trends are indeed indicative of economic recovery, then these improvements in poverty statistics are possibly explained by a countercyclical relationship between poverty and the business cycle.

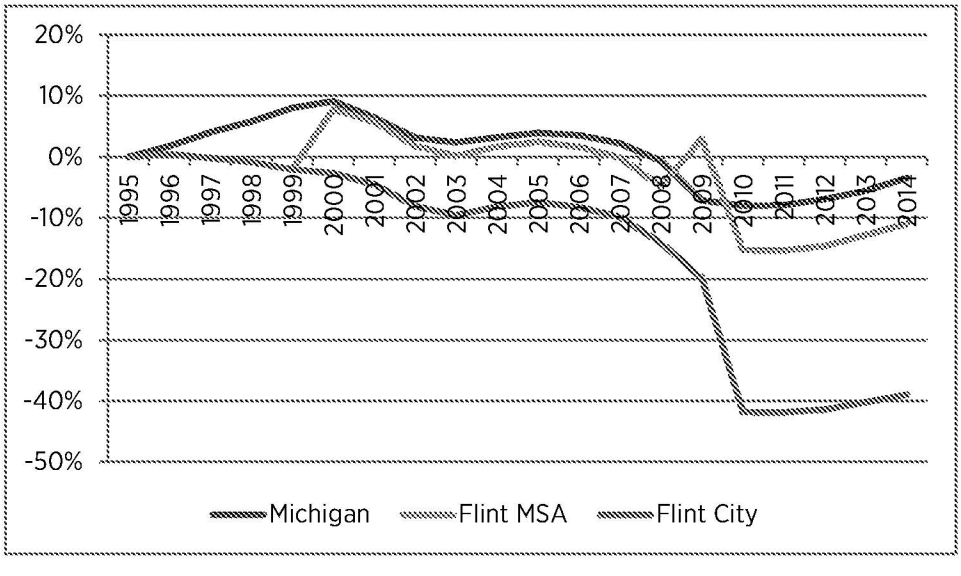
Exhibit II-12 depicts the cumulative change in the number of nonfarm jobs in the city of Flint, the Flint MSA, and Michigan as a whole. While the state overall saw a period of growth in employment in the mid-1990s, employment in the city of Flint and the Flint MSA began to decline in 1996. According to annual estimates from the Bureau of Labor Statistics (BLS) for the Flint MSA, the decline in manufacturing was the driving force of unemployment. Employment in this sector consistently fell between 1995 and 2008, from 48,200 jobs to 9,500.[7] Over this same period, the share of manufacturing jobs (of total nonfarm employment) dropped from 27% to 9%. This trend is likely due to the region's reliance on the domestic auto industry and the declines in the Big Three's market share that began in the 1980s and led to plant closures in the 1990s and early 2000s. According to Genesee County's audit reports, the county's largest employer in FY1997 was GM with 40,944 employees. In FY2009, GM still held its rank as the county's largest employer, but with only 3,417 employees in the county.

While the Flint MSA saw a boost in jobs in 2000, the city experienced a long-term decline in employment over the period shown, with 39% fewer jobs in 2014 than existed in 1995. The share of employment in the city compared to the MSA as a whole also fell in the same time period; as of 2014, employees in Flint represent about 18% of those in the Flint MSA compared to 26% in 1995.

The trends in **Exhibit II-12** indicate that employment started to recover slightly in 2010. This has been primarily driven by the private sector, namely the manufacturing, professional and business services, and trade, transportation and utilities sub-sectors. Public sector employment in the region has followed national trends as it continues to decline. The overall rise in employment in Flint along with the unemployment, income, and poverty trends support the story that the city is experiencing signs of economic recovery.

[7] Not seasonally adjusted

Exhibit II-12 Cumulative Change in Employment in Flint and in Michigan
Data source: Michigan Department of Technology, Management & Budget



The industries representing the city's 10 largest employers have diversified over the past decade. Most notable is the increased prevalence of higher education and employment services (**Exhibit II-13**). During periods of economic decline, enrollment in higher education often increases as individuals seek to expand their skill sets or pursue career changes. Demand for job placement services also increases. Another trend is the increasing concentration of employees in the top 10 employers. The 10 largest employers represented about 65% of the total number of employees in 2014 compared to only 59% of the total number of employees in 2003. This indicates that the impact of smaller firms in the city has diminished over this period. Larger firms tend to have more organizational slack,[ii] which can act as a buffer during economic downturns. Smaller firms that do not have such slack are likely more vulnerable to poor economic environments. Depending on the nature of recovery, employment in small firms could diminish even further during future recessions.

Exhibit II-14 illustrates the diversification of employment in the city of Flint by comparing the share of employees in each industry in 2003 and 2014. The relative share of both automotive employment and public sector employment dropped more significantly than that of healthcare employment.

Principal Employer Industry	FY2003	FY2014
Automotive	23,616	13,975
Federal, state and local government	13,037	6,103
Healthcare	9,569	5,963
Higher education	-	5,656
Employment services	-	1,214
Employees working for ten largest employers	46,222	32,911
Total employees working in City	78,553	51,128

Exhibit II-13 Employment in Flint's 10 Largest Employers by Industry
Data source: City of Flint Comprehensive Annual Financial Reports

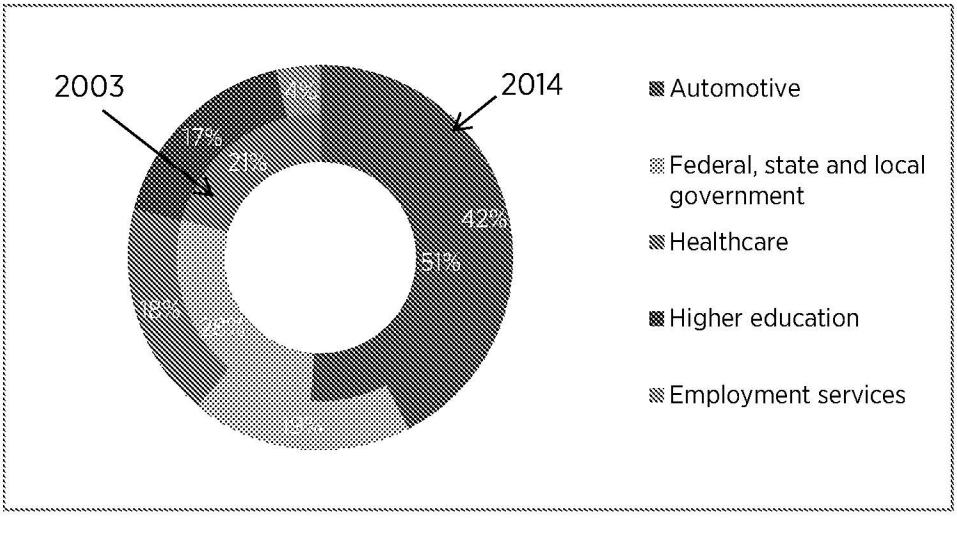


Exhibit II-14 Flint's 10 Largest Employers by Industry
Data source: City of Flint Comprehensive Annual Financial Reports

The city has concentrated efforts to encourage new development. Although most new projects include property that is either tax exempt or requires a property tax incentive, they have brought employees to the city, which increases the nonresident income tax revenue. Recent redevelopment efforts have focused on marketing the 452-acre vacant "Buick City" property. The Environmental Protection Agency has committed up to $7 million for Phase I clean-up of that property.[iii] The total commitment to Buick City is approximately $30 million. Funding for the remediation is from the Revitalizing Auto Communities Environmental Response (RACER) Trust that was created through the GM bankruptcy. The soil remediation project began in early 2011. According to the March 2014 update, corrective measures are being implemented in the Southend site. A corrective measures proposal for the Northend cleanup is being reviewed and will be presented to the public in summer 2014.[iv]

In November 2013, the American Cast Iron Pipe Company announced plans to construct a plant on the Buick City property, creating 50 to 60 manufacturing jobs for Flint. The plant opened in December 2014.

Flint's air transportation needs are serviced by nearby Bishop International Airport. In January 2011, the Bishop Airport Board approved the bid process for a $16.8 million expansion.[v] This project added 47,000 square feet of terminal space, four gates and doubled the width of the corridor linking two sections of the airport. The expansion was completed in November 2012, adding 350 jobs and increasing the number of passengers at Flint's Bishop International Airport[vi]. Several highways meet road transportation needs.

III. Flint Under Emergency Financial Management

Path to Receivership

Due to its decreasing population, employment, and tax revenues, the Flint city government has been under considerable fiscal stress in recent years. In the early 2000s, an emergency financial manager (EFM) was appointed for the city, and was in place until 2004; however, the city soon returned to fiscal insolvency.

The cycle of returning to a deficit position after an EFM appointment ends is not unique to Flint. Drawing on the experience of Flint and other cities that have been assigned an EFM, state policy makers drafted revisions to PA 72, which was replaced by PA 4 in 2011. After a referendum, PA 4 was repealed in 2012, then replaced by PA 436 of 2012[8].

The new law provides greater incentive and mechanisms for local governments to address budget challenges before an emergency manager (EM) is assigned. PA 436 also provides four options to struggling municipalities[9], offering alternatives to the appointment of an EM. Ultimately, however, if cities with chronic fiscal stress are suffering from structural challenges beyond their control, improved management will only be able to cure a limited number of problems.

If a city is placed in receivership under PA 436 of 2012 and an EM is appointed by the state, he or she is granted broad powers to address the struggling city's finances. This includes the authority to amend collective bargaining agreements, make personnel changes, and review and approve the city's budget.

Responding to the most recent fiscal crisis, Michigan's Treasury Department conducted a preliminary review of Flint's financial situation in August and September 2011.[vii] The review found that general fund expenditures had exceeded revenues for the preceding four years. Two years after its deficit reduction plan had been submitted to the state, the general fund deficit had more than doubled. The review also reported that departments within the municipal government had been compensating for cash shortages by borrowing from other funds. The review team determined it was uncertain whether the City of Flint would be able to fulfill its short-term financial obligations.

Due to the City of Flint's structural deficit, increasing legacy costs, and accumulating debt, the review team recommended to the governor that the city be placed under emergency financial management under Public Act 4. In November 2011, the governor of Michigan placed the City of Flint in receivership.

Michael Brown was appointed as the city's emergency financial manager effective December 1, 2011. In August 2012, Michael Brown was replaced by Edward Kurtz as emergency manager (who had served as the city's EM from 2002 to 2004). Ed Kurtz served as the city's emergency manager until July 2013, at which time Michael Brown was again appointed by the governor. Michael Brown resigned in September 2013; Darnell Earley was appointed as his replacement. In January 2015, it was announced that Jerry Ambrose, who had previously served as the city's finance and administration director, would replace Darnell Earley as emergency manager. Jerry Ambrose served as the city's EM until April 2015, when control of the city's finances was returned to the mayor and city council under the supervision of a Receivership Transition Advisory Board.

Reforms to Personnel Costs

Wages and Salaries

Significant actions were taken shortly after Michael Brown's appointment as emergency manager. Almost immediately after his appointment, the salaries, benefits, and other compensation were eliminated for the city's mayor and nine council members. The mayor's salary was later restored to 60% of his base salary with full restoration of his benefits, and the salaries of city council members were restored to $7,000 per year with no benefits. Additionally, council members were required to complete level one of the Michigan Municipal League's core courses for municipal government. Several positions were eliminated, which included the Office of the Ombudsman, the Civil Service Commission, and the respective staff assigned to these offices.

[8] Emergency financial managers were in place under Act 72; the term "emergency manager" is used in PA 4 and PA 436. There are somewhat different powers under the various acts but otherwise the concept is the same.

[9] These options include entering into a consent agreement with the state, filing for bankruptcy, agreeing to mediation, or accepting the appointment of an EM.

In an effort to reduce the city government's wage expenses by 20%[viii], significant changes were made to the collective bargaining agreements of the City of Flints's police and fire unions. Wages were reduced across the board for members of all police unions: by 1.5% for sergeants, by 2.5% for captains and lieutenants, and by 5% for officers). Salaries and wages of members of the firefighters' union were also reduced[10].

Substantial changes were also made to the city government contracts with the American Federation of State, County and Municipal Employees (AFSCME) locals 1600 and 1799, the unions representing the majority of general city government employees. Wages for Local 1600 members were reduced by 2.5%, and several changes to overtime, holiday, and leave pay were made for both unions.

With the exception of emergency overtime, the EM required that all employee overtime be approved in advance. Executive orders were also issued to put limitations on departments' spending authority, with EM approval required for purchases over $10,000. Stringent budgetary guidelines were put on all departments, emphasizing that budgetary authority is not a mandate to spend and that actions to keep expenses low should be taken whenever possible.

Pensions

Changes were made to police and fire unions' pension eligibility. Employees' annual pension contributions were increased to 9.5% of all earnings for those in the fire and police unions. For members of the unions hired prior to the introduction of the new pension guidelines, the portion of pensions earned up to the 20th year of service are calculated according to the expired bargaining agreement. However, the multiplier was reduced to 2.25 and capped at 240 hours of leave time included as part of the final average compensation (FAC) for all service time earned after the effective dates of the new collective bargaining agreements.

Similar adjustments were made to the pension benefits for locals 1600 and 1799. The defined benefit multiplier was reduced to 1.5% prospectively, and the employee contribution rate was increased from 8% to 12% for Local 1600 and to 9.5% for Local 1799. Hybrid retirement plans (with both defined contribution and defined benefit components) were established for new hires and former defined benefit plan participants. Employees' contributions to the defined contribution components are matched by the City of Flint; employer contributions to the defined benefit component were capped at 10%.

To save administration-related costs, pensions for all unions with collective bargaining agreements with the City of Flint were transferred from the Flint Employees' Retirement System (FERS) to the Michigan Municipal Employees Retirement System (MERS).[ix] This move was approved by all but the police officers' union; section 19(k) of PA 4 was invoked to approve the transfer of Flint police officers' pensions.

Other Post-Employment Benefits

Changes were made to the healthcare benefits received by retirees of the police and fire unions. Cuts included discontinuing healthcare for a former employees' spouse if he or she is eligible to receive paid health coverage through an employer or former employer. The City of Flint reduced the number of plans offered to employees hired after July 1, 2012, offering a high deductible plan in conjunction with a health savings account. Through executive orders, the EM reserved the right of the city to change or discontinue the health insurance programs in response to the Patient Protection and Affordable Care Act (PPACA) as amended.

The City of Flint scaled back its contribution requirements for an active employee's health coverage, requiring employees to pay any premium contributions that exceed the amount contributed by the employer through pension deductions.

Retirees and their spouses aged 65 and over who are covered by Medicare supplemental plan at the employer's expense are subject to contribution limits of the Publicly Funded Health Insurance Contribution Act (PA 152 of 2012) if and only if the retiree enrolls in and pays for Medicare Supplemental Part B. Changes made to the healthcare coverage of retired members of the local 1600 and 1799 unions were similar to those of the other major unions representing City of Flint employees.

Changes were made to the retiree health benefits offered to personnel hired after the effective dates of the new agreements. Instead of employer-paid retiree healthcare coverage, members of the police officers' and firefighters' unions, as well as locals 1600 and 1799 hired after April 2012 were eligible for Retiree Medical Savings Accounts (RMSAs) to which the City of Flint and employees contribute through payroll deductions.

Under the executive orders, the City of Flint committed to contribute $1,500 annually to the RMSAs, with employees contributing $600 per year. Employees will be 100% vested at all times on their own contributions and investment earnings, while employer contributions and investment earnings will be 100% vested after five years of completed service. The same changes were made to retiree health benefits of newly hired nonunion city government

[10] From $63,080.16 to $50,791.52 for CAD supervisors, from $60,515.52 to $56,998.24 for quartermaster, and from $33,467.20 to $27,270.88 for comm. specialist trainees

employees. Contributions to a new employee's RMSA continue until the employee is no longer employed by the City of Flint (including retirement) or when the employee becomes eligible for Medicare. These benefits were not made available to nonunion retirees or spouses who are eligible for health coverage through another employer or former employer.

Other Reforms

In addition to actions taken to reduce the City of Flint's financial obligations in relation to staff, other measures were taken to address the growing deficit. User fees were implemented for waste collection and a special assessment was levied to provide funds for the operation of street lighting (to eliminate $2.85 million in costs to the city government's general fund[x]). Both fees were added to homeowners' property tax bills. Water and sewer rates were increased by 25% to adequately cover the costs of operating both systems.

The City of Flint's Fiscal Year 2013 budget, passed by an executive order on April 24, 2012, was the first balanced budget it had passed in seven years. A total of 155 positions (16% of the workforce) were eliminated.[xi]

Property taxes were increased in order to support police and fire budgets. This increase was achieved by a vote of the city's residents, who approved a 6 mill property tax increase on November 6, 2012.[xii] This tax increase allowed the city government to maintain staffing levels in the police and fire departments that had, up until that point, been supported through a federal grant.

IV. City Finances

Repeated periods of governmental fund deficits can be used to identify cities with chronic fiscal stress. If a city is consistently unable to sustain a positive fund balance, it is likely facing structural budgetary constraints. The City of Flint's fund balance/accumulated deficit history highlights its recurring deficits (**Exhibit IV-1**). Temporary solutions provided some periods of short-term relief in 2005 to 2007 due to the measures taken by an emergency financial manager under Public Act 72 of 1990. The governor appointed the EFM in May 2002, who remained in place until 2004. The progress made during the EFM's tenure was undone three years later due to subsequent labor settlements, costly litigation, and declining revenues. The City of Flint closed FY2008 with a deficit in the General Fund of $6.8 million. Since 2010, the Flint city government has been able to build up the fund balances in its other governmental funds, but has mixed performance in controlling the deficit in its General Fund, which is the main fund for general operating expenses.

General Fund

As of June 30, 2014, the City of Flint's General Fund ended the year with an accumulated deficit of $8.9 million. This is the seventh consecutive year that the fund balance has been in a deficit position, but significantly reduced from the $19.1 million deficit in FY2012. FY2014 is also the third year since FY2006 that the city operated with a surplus in its General Fund; the only other year in which the General Fund ended with a surplus is FY2011 (**Exhibit IV-2**).

Exhibit IV-1 Governmental Funds – Flint History of Fund Balances
Data source: City of Flint Comprehensive Annual Financial Reports

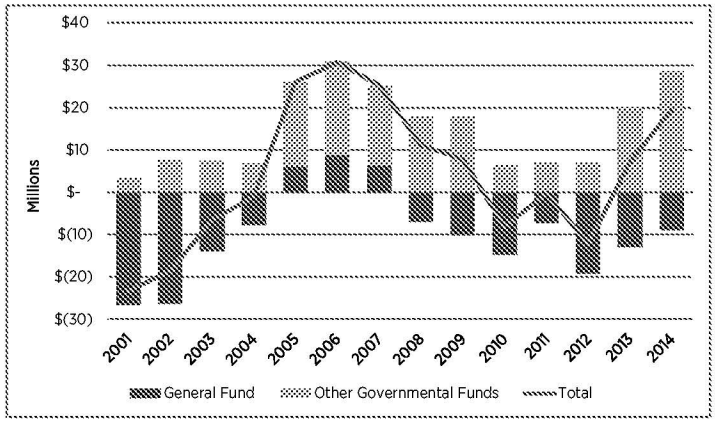
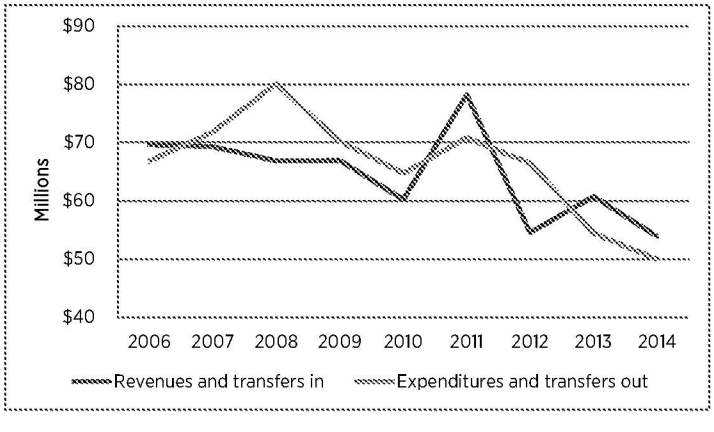


Exhibit IV-2 Flint General Fund Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports



Revenues

As of 2014, the four primary sources of revenue, and their proportionate share of the General Fund, are property tax (10%), income tax (24%), state shared revenue (32%), and charges for services (18%). **Exhibit IV-3** shows the changes in the share of General Fund revenues over time. Typically, the property tax is the primary source of revenue for local governments. However, the City of Flint's reliance on the property tax has severely diminished over the last several years, which is a testament to the impact of falling property values in the city. Conversely, the share of revenues from charges for services has seen an overall growth. In FY2010, the share of revenues from charges for services actually exceeded that from property taxes. Both the share of revenues of income taxes and of state shared revenue have also declined, but to a lesser extent. The spike in the share of "Other" revenue funds in FY2011 was due to an $8 million debt issuance in the form of 25-year fiscal stabilization bonds from the Local Government Loan Program through the Michigan Department of Treasury. This was less than half of the $20 million in bonds that the City of Flint had initially requested in order maintain operations when it had anticipated that it would run out of cash by March 1, 2011.

Property Tax

Property tax in Michigan is assessed on both real and personal property, though municipalities are limited in levying property taxes in a number of ways. First, the Home Rule City Act of 1909 limits cities in Michigan to levying property taxes of no more than 20 mills for direct municipal services.[xiii] Next, the Headlee Amendment, ratified in 1978, limits the authorized millage rate when property values rise at a faster rate than the rate of inflation.[xiv] Increases in property values due to improvements or new construction are not subject to this limit. Finally, in 1994, Michigan voters approved Proposal A, which limited annual increases to the taxable value to 5% or the rate of inflation, whichever is lower, until there is a transfer of ownership.[xv]

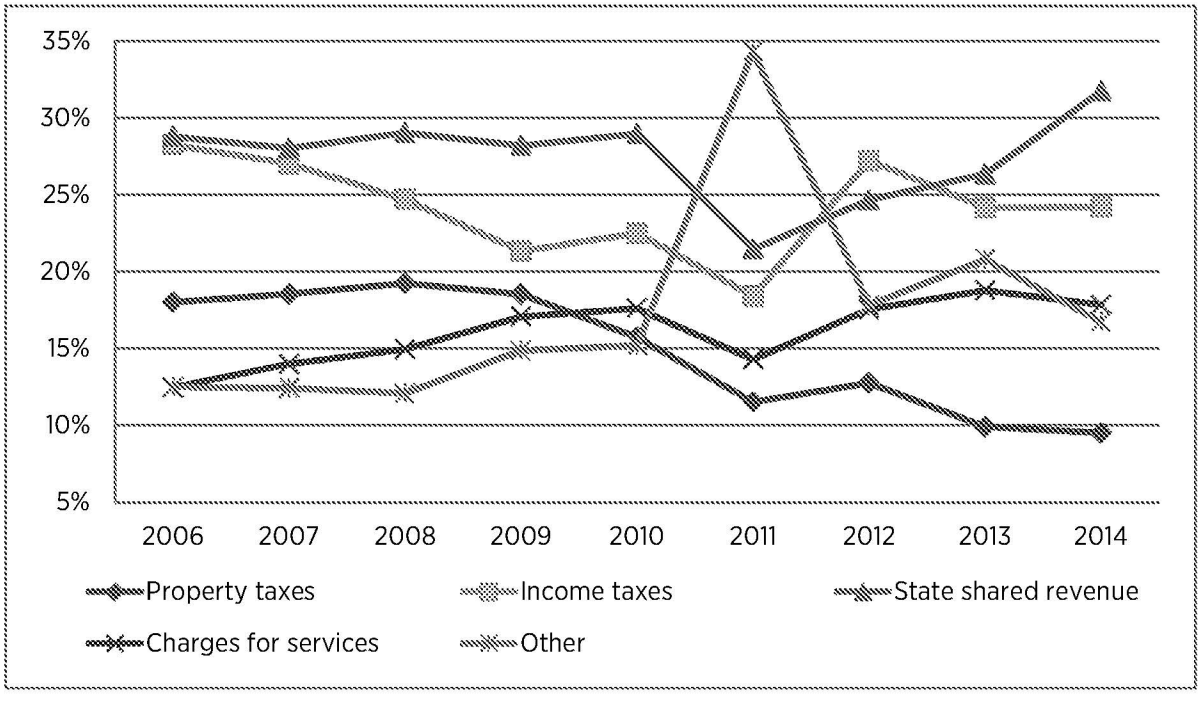


Exhibit IV-3
Share of Flint General Fund Revenues
Data source: City of Flint Comprehensive Annual Financial Reports

Compared to the 10 most populated local units in Genesee County, which represent 72% of the population, the city of Flint levies the highest homestead tax rate (**Exhibit IV-4**). This may cause the city to be less competitive in attracting residents, which hinders its ability to increase its tax base. High tax rates also create incentives for residents to relocate to the suburban areas, which may be one factor that contributes to the population decentralization trends shown in **Exhibit II-2**. For example, a homeowner in the city of Flint will pay, on average, 37.7% more in property taxes than residents of the nine other largest communities that own properties with the same taxable value. This is a substantial increase compared to the same analysis that was performed in the 2011 case study; in FY2011, a homeowner in Flint would pay on average 28.2% more than a homeowner in the other nine communities with a property that had the same taxable value. If a residential property has a taxable value of $75,000, the homeowner in Flint will pay $4,413. A homeowner in the next most-populated community, Grand Blanc Charter Township, will pay $3,119.

Exhibit IV-4 Millage Rates in Genesee County for Fiscal Year 2013 (2014 Tax Rates)
Data source: 2013 American Communities Survey and Michigan Department of Treasury

			Average Property Tax Rates					Annual Bill Based on Taxable Value of $75,000
Taxing Unit	Type of Unit	2013 Population*	County	Local	School	State Education	Total	
Flint	**City**	**101,649**	**9.81**	**22.02**	**21.01**	**6.00**	**58.84**	**$ 4,413**
Grand Blanc	Charter Township	37,060	10.07	7.13	18.38	6.00	41.58	$ 3,119
Flint	Charter Township	31,614	10.07	10.74	20.96	6.00	47.77	$ 3,583
Burton	City	29,663	10.05	15.23	19.27	6.00	50.55	$ 3,791
Genesee	Charter Township	21,291	10.07	7.99	18.19	6.00	42.25	$ 3,169
Mount Morris	Charter Township	21,310	9.56	10.94	17.88	6.00	44.38	$ 3,329
Davison	Charter Township	19,373	10.07	3.35	15.91	6.00	35.33	$ 2,650
Fenton	Charter Township	15,408	10.07	2.08	15.47	6.00	33.62	$ 2,522
Mundy	Township	14,932	10.07	5.56	16.51	6.00	38.14	$ 2,861
Vienna	Charter Township	13,119	10.07	5.04	13.78	6.00	34.89	$ 2,617
Population of Ten Largest Units		**305,419**				**Average**	**42.74**	**$ 3,205**
As a % of County Total		**72%**						

* ACS 5-year estimate

Although the nonhomestead property tax rate had been fairly stable from 2000 to 2010, a more noticeable increase has occurred over the last few years (**Exhibit IV-5**). In 2013, the direct city millage increased from 16.1 to 19.1 mills with the addition of the 6 mill public safety millage and an elimination of a 3 mill waste collection millage.

As discussed in section II, property values in Flint have dramatically declined over the past four years. **Exhibit IV-6** shows a corresponding reduction in property tax revenues; receipts from property taxes in FY2014 were less than half those in FY2006, and less than 40% of their peak in FY2008. The deterioration of the property tax as a stable revenue source is especially clear given that less than 10% of General Fund revenues are dependent on property taxes in FY2014 compared to more than 18% five years prior.

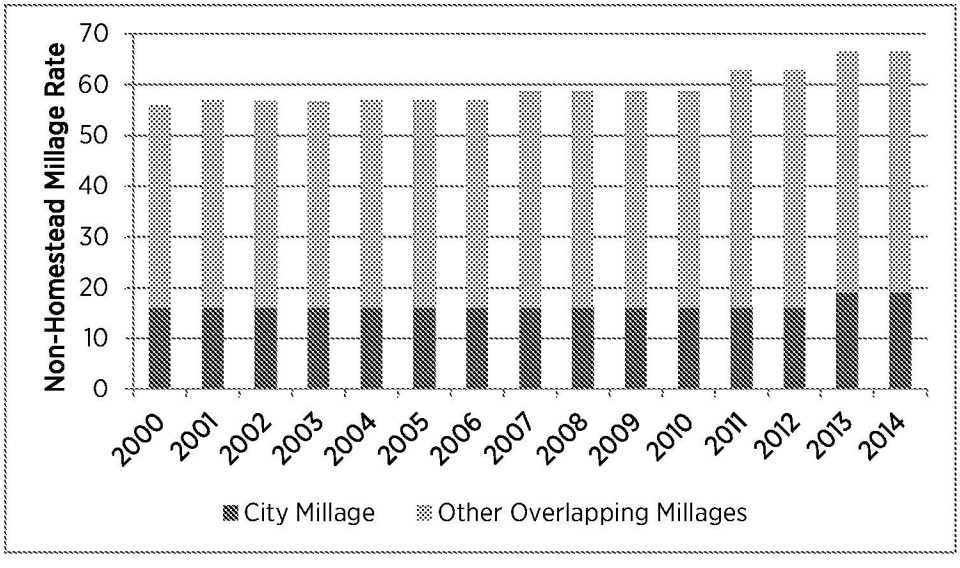


Exhibit IV-5 City of Flint Millage Rates
Data source: City of Flint Comprehensive Annual Financial Reports

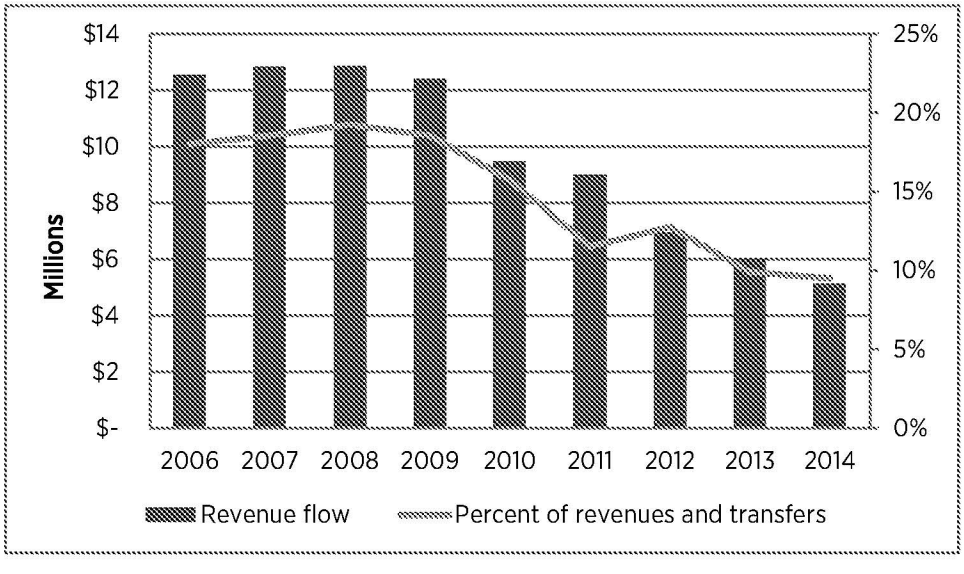


Exhibit IV-6 Flint Property Tax Revenue
Data source: City of Flint Comprehensive Annual Financial Reports

Income Tax

Of the 10 largest cities in Michigan, three are authorized to levy an income tax, including Flint. The income tax rate is 1% for city residents and 0.5% for non-residents. Income tax receipts steadily declined from FY2006 to FY2010 (**Exhibit IV-7**). Since FY2010, this revenue stream has stabilized and seen some slight growth, though it fell again in FY2014.

State Shared Revenue

State shared revenue is generated from a statewide sales tax. Revenue sharing to local governments consists of both constitutional and statutory payments. The constitutional portion is distributed on a population basis. The statutory portion of revenue sharing is defined by a formula based on a combination of population, taxable value per capita, and millage yield (a ratio of the taxable value per mill levied). Starting in FY2012, the statutory revenue sharing was replaced with the Economic Vitality Incentive Program (EVIP).[16] The EVIP allocates funding to cities, villages, and townships based on their ability to satisfy certain criteria, but relies on the old statutory program to determine participation and individual payment amounts. **Exhibit IV-8** shows the breakdown between the

Exhibit IV-7 Flint Income Tax Revenue
Data source: City of Flint Comprehensive Annual Financial Reports

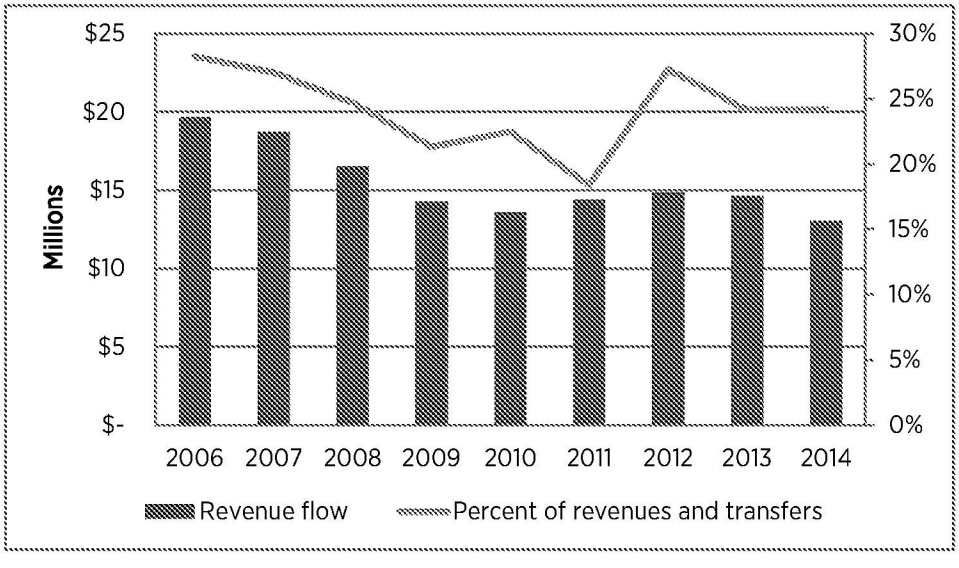
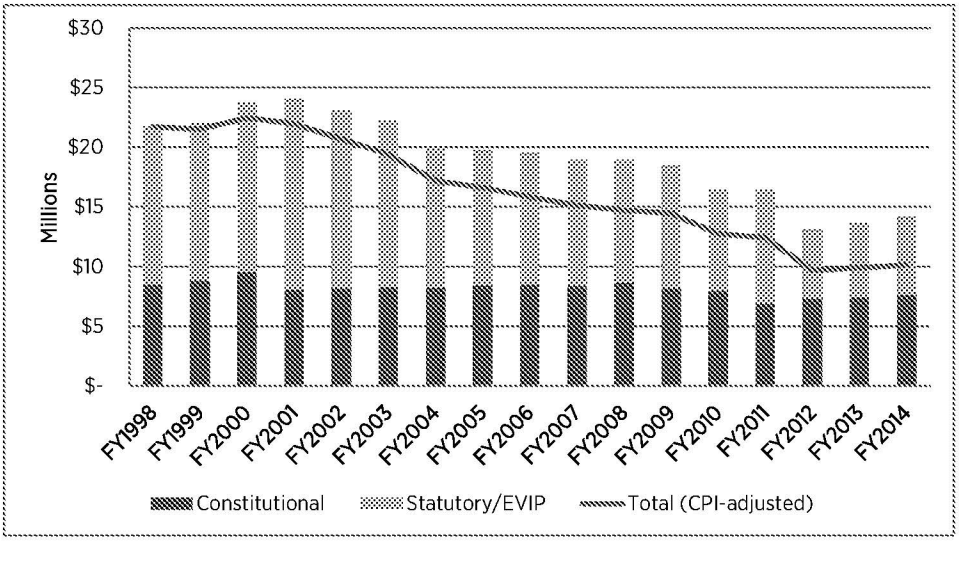


Exhibit IV-8 Breakdown of Flint State Shared Revenue
Data source: Michigan Department of Treasury



constitutional payments and statutory/EVIP payments to the City of Flint since FY1998. While constitutional payments have been fairly constant, there has been a substantial decline in statutory/EVIP payments.

Exhibit IV-9 displays the change in state shared revenue over time as reported in the city's financial audit reports.

Charges for Services

While all other revenue sources have been declining since FY2006, income from user fees and charges for services have actually increased on a nominal basis over the same period (**Exhibit IV-10**). Though it has fluctuated in recent years, the percentage of revenues and transfers from charges for services is still relatively high compared to FY2006. This is indicative of cities undergoing fiscal stress since they seek to replace the typical tax and intergovernmental sources with other revenue streams.

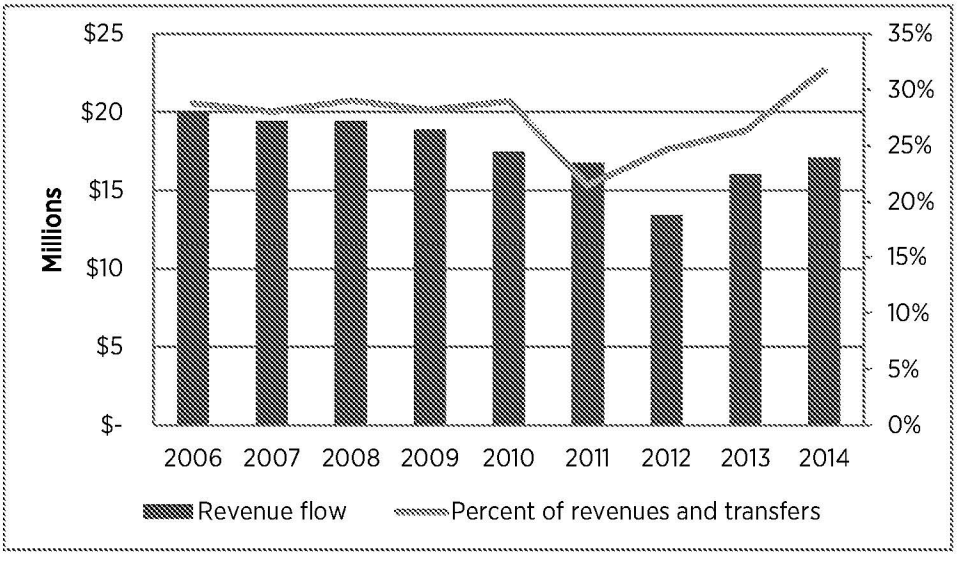


Exhibit IV-9 Flint State Shared Revenue Over Time
Data source: City of Flint Comprehensive Annual Financial Reports

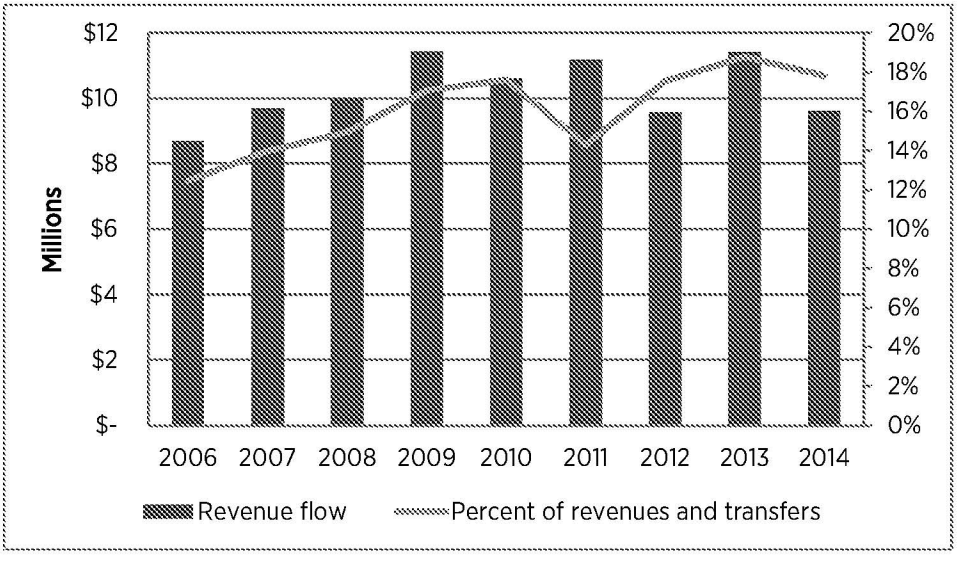


Exhibit IV-10 Charges for Services in Flint
Data source: City of Flint Comprehensive Annual Financial Reports

Expenditures

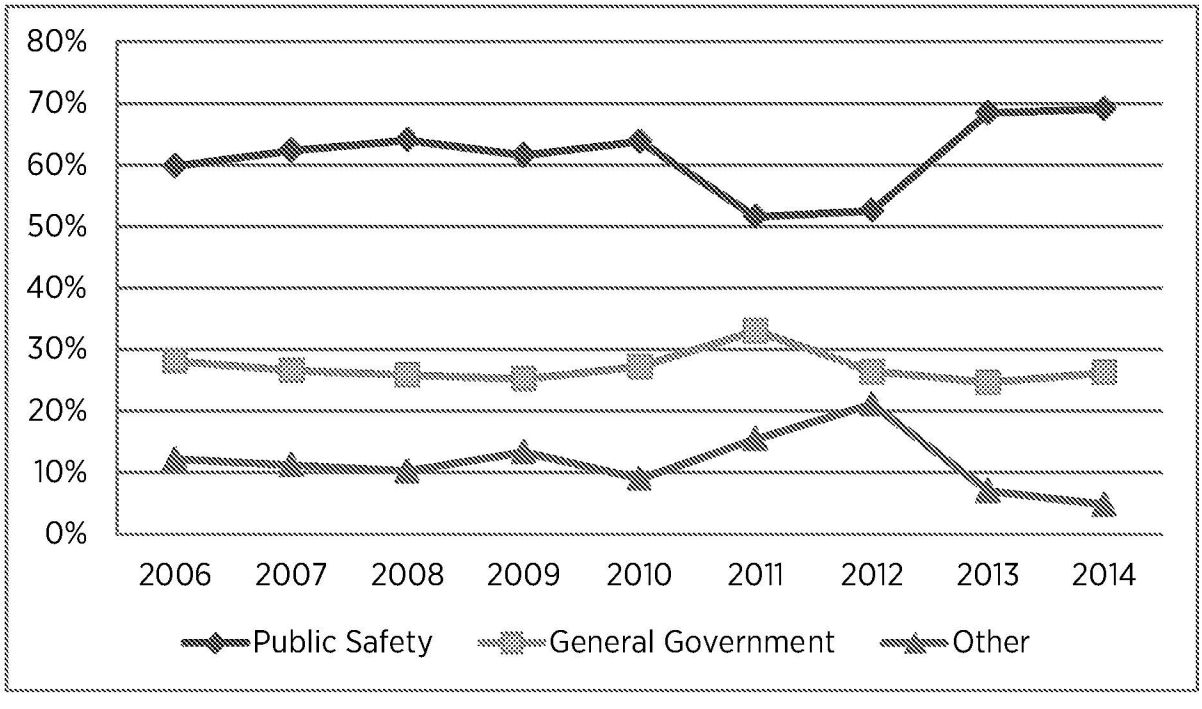
The primary General Fund expenditures are public safety and general government services. In FY2014, 69.1% of spending was allocated to public safety and 26.2% to general government (**Exhibit IV-11**). The following section will detail the spending in various categories for the city of Flint.

Public Safety

Public safety consists of the majority of the General Fund expenditures, and includes the following categories:

- Building inspection
- Combined public safety department
- Emergency dispatch
- Fire department
- Police department

Exhibit IV-11
Share of General Fund Expenditures in Flint
Data source: City of Flint Comprehensive Annual Financial Reports



As discussed in section III, during the November 2012 elections, the voters of Flint approved a 6-mill property tax increase for public safety with 57% approval.[xvii] The proposal also required that 55.5% of General Fund revenues be allocated to public safety budgets (**Exhibit IV-12**). Additional, temporary funding support includes:

- $6.9 million Staffing for Adequate Fire and Emergency Response (SAFER) grant from the Federal Emergency Management Agency (FEMA) awarded in 2012 to avoid laying off 32 fire fighters[11]
- $2.1 million in state funds granted in 2012 to re-open the city's lockup
- $1.8 million grant from the Michigan Department of Treasury Competitive Grant Assistance Program (CGAP) to install a communications tower in the city to expand radio coverage for police and firefighters awarded in April 2013

[11] This grant was awarded twice, but not renewed in 2014.

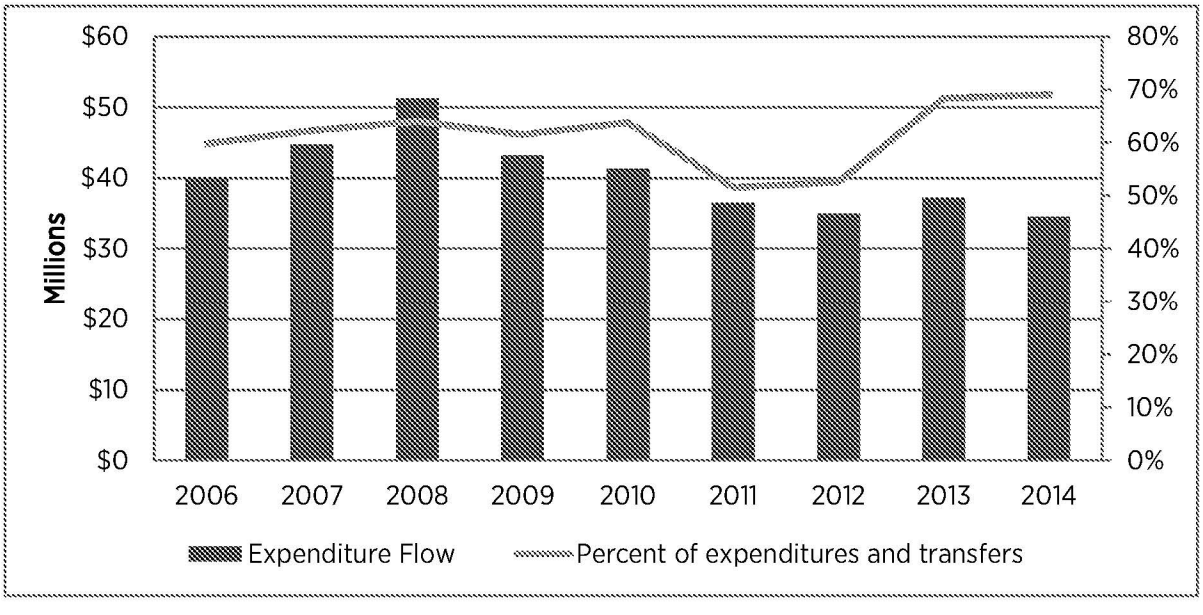


Exhibit IV-12
Flint Public Safety
Data source: City of Flint Comprehensive Annual Financial Reports

General Government

As of FY2014, general government expenditures include the following categories of local government operations:

- Mayor's office
- Finance
- Human relations
- City clerk
- Law office
- Human resources
- City administrator

Expenditures on general government have followed an overall decline since FY2008 (**Exhibit IV-13**). The exception in FY2011 was due to a settlement payment related to a lawsuit against the city regarding the sale of the Genesee Towers building.

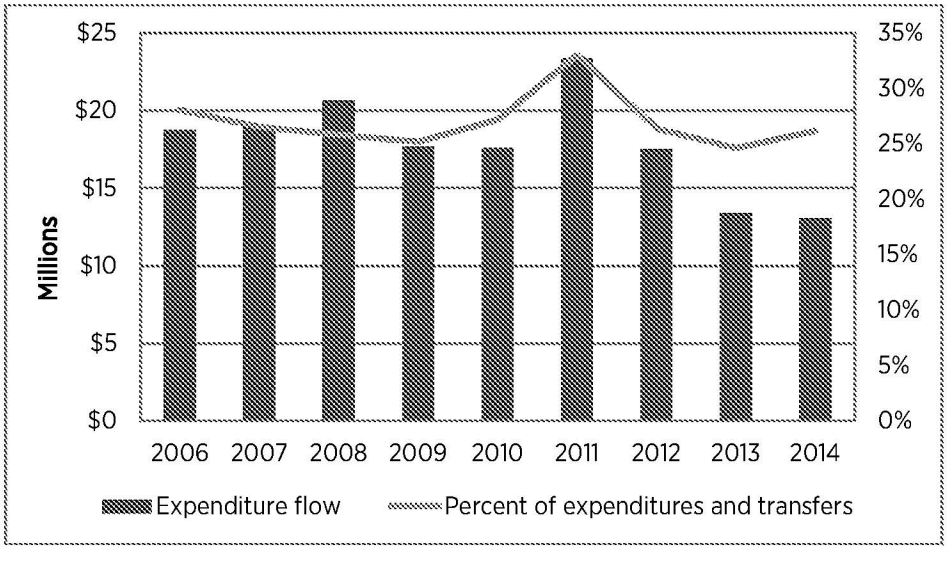
Special Revenue Funds

Revenues and expenditure trends for other governmental funds are shown in **Exhibit IV-14**. These include special revenue funds and debt service funds. As of FY2014, special revenue funds consist of the following types of funds:

- Major streets
- Local streets
- Neighborhood policing
- State Act 251 – forfeitures
- EDA Revolving Loan
- Public Improvement Fund
- Parks and recreation
- Senior citizen centers
- City park
- Building department
- Garbage collection
- Street light (special assessment)
- Public safety (special millage)

The city established a special assessment for streetlights in FY2013 to avoid making cuts to public safety. The public safety special millage was discussed in earlier sections of this report. As of FY2014, debt service includes funds from a

Exhibit IV-13 Flint General Government
Data source: City of Flint Comprehensive Annual Financial Reports



parking deck, Windmill Place, and Buick City. Relative to the General Fund, the city government has managed to keep expenditures in pace with revenues. About $6.5 million of the $10 million deficit in FY2011 was due to the Federal Grants Fund. The majority of the remaining deficit consisted of a $2.3 million deficit in the Major Streets Fund.

Proprietary (Enterprise) Funds

The City of Flint's two proprietary funds include water supply and sewer disposal operations. Prior to FY2012, Hurley Medical Center and the Golf Division were considered business-type activities as part of the city government under proprietary funds. However, starting in FY2012, the city began presenting Hurley as a separate component unit in the audit report, and in March 2012, the city entered into agreements with Flint City Golf, LLC, and the Mott Park Public Golf Course Association to operate the city's golf courses.

Historically, the City of Flint purchased Lake Huron water from the Detroit Water and Sewerage Department (DWSD). Per a resolution that authorized the sale of Drinking Water Revolving Fund bonds, the city government sets its water rates to cover expenses of the administration and operation of the water system. These expenses include the rates charged by the DWSD, which had increased on average by 10% per year. The rates must be sufficient to pay an amount equal to 125% of principal and interest on bonds and any other obligations. In January 2011, the city increased water and sewer rates by 25% and 22% respectively. Another increase of 35% on both water and sewer rates followed in September 2011 in order to meet these revenue requirements.

In April 2013, the city ended its contract with DWSD, and opted instead to contract with the Karegnondi Water Authority (KWA) to build a pipeline from Lake Huron to Genesee County. Effective October 1, 2013, the City of Flint entered into a contract to purchase water from the KWA, with the pipeline expected to be completed in July 2016. The city officially switched its water source to the Flint River in April 2014, to be used until the agreement with the KWA came into effect. However, the city and its residents have experienced several issues with water quality since then.[xviii]. Flint was awarded $2 million from the state through Michigan's Financially Distressed Cities, Villages, and Townships Grant Program to improve its water infrastructure and quality[xix].

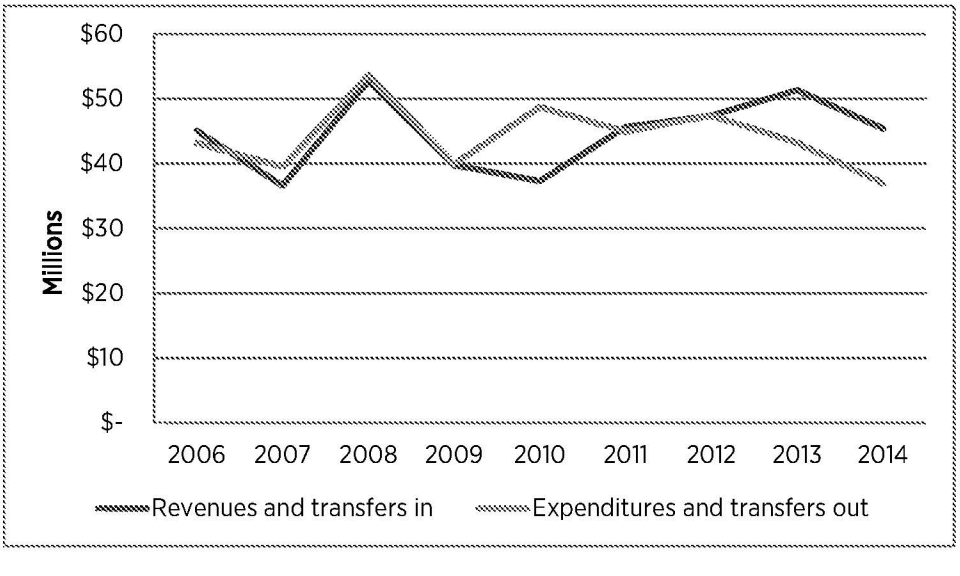


Exhibit IV-14 Other Flint Governmental Funds Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports

In general, the revenues and transfers into the water supply fund have exceeded expenditures and transfers out (**Exhibit IV-15**).

In contrast, the sewer disposal fund had seen major deficits annually up until FY2013 (**Exhibit IV-16**). One major contributor to the operating losses associated with this fund is internal borrowing by other funds. This will be discussed in more detail in section V.

Exhibit IV-15 Flint Water Supply Fund Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports

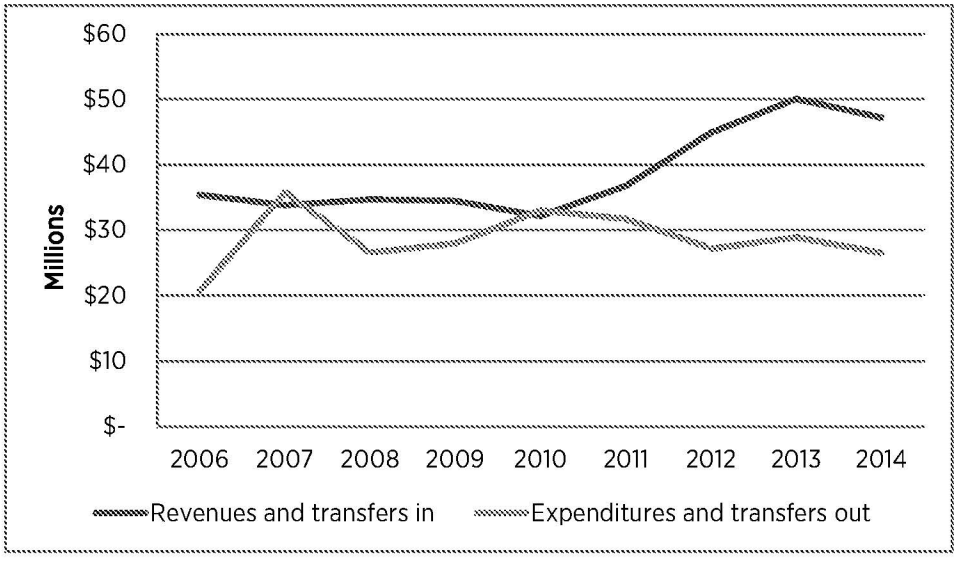
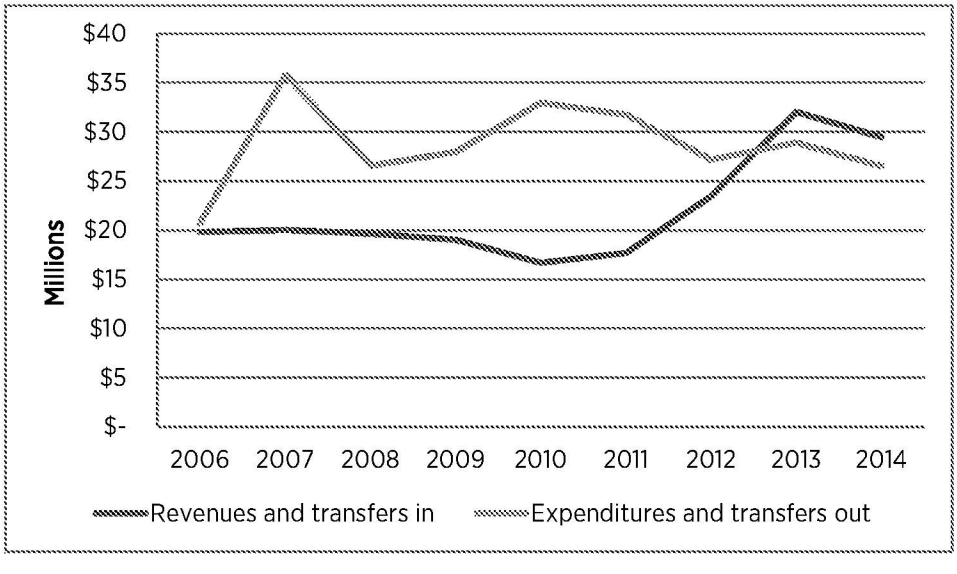


Exhibit IV-16 Flint Sewer Disposal Fund Revenues and Expenditures
Data source: City of Flint Comprehensive Annual Financial Reports



Internal Service Funds

The City of Flint allocates the internal service funds for data processing, fringe benefits, central maintenance garage, and self-insurance. Internal service funds should be self-sustaining through charges for services to other departments and funds. However, this is not always the case, as shown by the positive figures for "Transfers In" in **Exhibit IV-17**. The Central Maintenance Garage Fund received incoming transfers for six consecutive years. On average, these transfers amount to about 28% of operating costs annually. There was an exception in FY2013, in which the Central Maintenance Garage Fund issued an outgoing transfer to the Garbage Collection Fund in order to transfer proceeds related to the sale of city garbage trucks.

Exhibit IV-17 Flint Internal Service Fund Revenues and Expenditures (in thousands)
Data source: City of Flint Comprehensive Annual Financial Reports

Fiscal year	2006	2007	2008	2009	2010	2011	2012	2013	2014	Variation $	Variation %
Revenues and Transfers In											
Charges for services	$ 32,159	######	$ 41,269	$ 39,817	$ 35,715	######	######	$40,051	######	$ 22,931	71%
Transfers In	-	1,039	2,147	1,546	1,789	1,363	1,876	(1,500)	(1,072)	(1,072)	100%
Gain on Disposal of Capital Assets	-	-	-	-	-	-	-	1,047	155	155	
Investment Income	134	281	177	98	110	17	8	(83)	(6)	(139)	-104%
Revenues and transfers in	32,293	49,044	43,593	41,461	37,615	46,288	52,088	39,515	54,168	21,875	68%
Expenditures											
Data Processing	2,104	2,149	2,360	2,868	2,032	2,367	2,887	2,019	2,376	272	13%
Central Maintenace Garage	4,013	5,179	6,439	6,020	5,370	5,613	5,148	3,976	3,372	(641)	-16%
Self Insurance	2,770	17,715	5,180	3,173	2,028	8,706	3,813	2,387	1,399	(1,371)	-50%
Fringe Benefits	23,406	24,577	29,157	29,874	27,592	28,754	30,847	27,476	49,291	25,885	111%
Expenditures and transfers out	32,292	49,619	43,136	41,935	37,022	45,439	42,695	35,858	56,437	24,145	75%
Net change in	1	(575)	457	(474)	592	849	9,393	3,657	(2,269)		
Fund balance - beginning	2,856	2,856	2,281	2,738	2,264	2,857	3,706	13,099	16,756		
Fund balance - ending	$ 2,856	$ 2,281	$ 2,738	$ 2,264	$ 2,857	$ 3,706	$13,099	$16,756	$14,487		

V. Debt

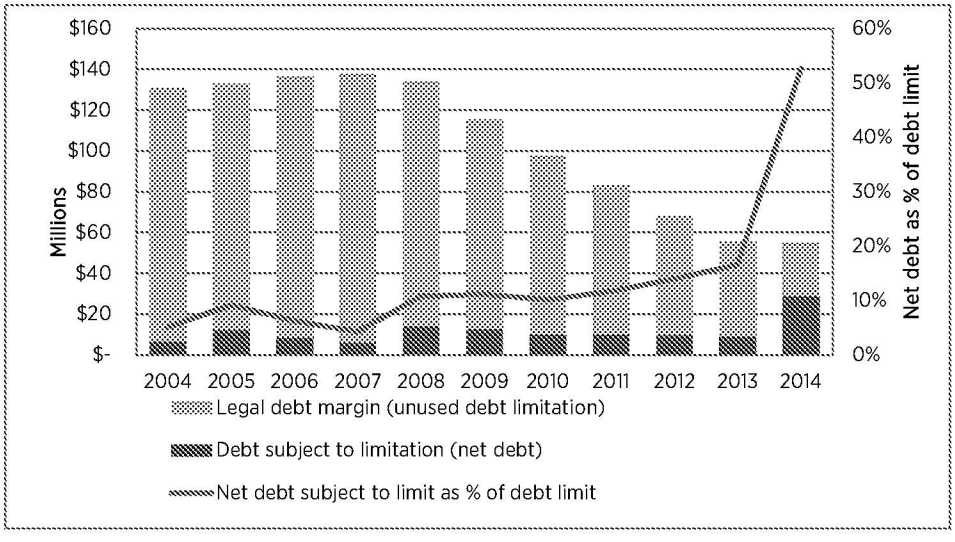
The City of Flint's bond rating has not been updated since the 2011 case study was written. The last bond rating was performed by Moody's Investor Service in February 2006. At that time, the City of Flint was assigned a rating of Ba1 with a stable outlook.

According to the city's financial audit reports, the City Charter limits net debt to 7% of the assessed value of the real and personal property in the city. **Exhibit V-1** discloses breakdown of the city's net debt limit since 2004. While the absolute amount of the city's debt has been fairly stable over time, the decline in property values in the city has closed the legal debt margin considerably (**Exhibit V-1**). As a result, the net debt as a percentage of the debt limit has jumped from about 4.3% in FY2007 to 16.6% in FY2013.

Many cities with chronic fiscal stress have a significantly large debt burden, which has not necessarily been the case for the City of Flint. The 2011 case study noted that this issue of fiscal distress was mainly due to the lack of capacity to issue debt or manage a long-term capital improvement program. In FY2011, the City made its final payment on an $8 million financial recovery bond issued in 2004 when it was operating under the authority of a state-appointed EFM. As noted earlier, the current level of fiscal stress has caused the City of Flint to seek $20 million fiscal stabilization bonds, of which it received $8 million. These funds are intended to address the chronic cash shortage and unfunded prior operating expenditures. Recurring cash shortages and the need to finance prior years' operations are often considered additional red flags indicating chronic fiscal stress.

Another symptom of chronic fiscal stress is an increased reliance on internal borrowing, another trend that has continued since the 2011 case study. When the City of Flint has difficulty obtaining external financing at a reasonable rate, cash from internal funds becomes a default source of borrowing. **Exhibit V-2** summarizes interfund borrowing activity since FY2006. The nature of this type of activity is generally related to operating transactions among funds. The City of Flint has used this to address cash shortages at the close of the fiscal year. The "Due to/from Other Funds" section is related to short-term loans, while the

Exhibit V-1 Flint Long-Term Debt Limit
Data source: City of Flint Comprehensive Annual Financial Reports



"Advances to/from Other Funds" is related to long-term loans. A concern arises when these balances are significant in dollar amounts and present for more than one year. The City of Flint's General Fund has relied on short-term interfund resources for seven out of the last nine fiscal years and long-term interfund resources since FY2012. As shown in **Exhibit V-2**, the primary lending fund for these transfers has been the Sewer Disposal Division Fund, which contributes to the fund's long-term structural deficit, as reported in **Exhibit IV-16** on page 26. The short-term balance of approximately $13.2 million at June 30, 2013, equates to almost 25% of General Fund revenues for FY2014.

In July 2012, the Flint City Council President, along with three other residents, filed a lawsuit against the city, claiming that the water and sewer rate increases in 2011 violated city ordinances.[xx] The claim was that because water and sewer funds have been transferred to the General Fund, additional funds raised had not been allocated toward their intended purposes. A Genesee County Circuit Court judge dismissed the case in June 2013, claiming that the rate increases were in compliance with Public Act 4, which granted legal power to emergency managers to make rate increases to reflect true operating costs.

As noted in the 2011 case study, advances among funds are often formalized in a written note with specific payment terms including an interest rate. The City of Flint has used advances to fund capital equipment purchases in its internal services funds. Such reliance on interfund borrowings may restrict the lending fund's financial flexibility and use of resources for the designated purpose. Recent advances from the Sewer Disposal Division Fund to the General Fund represent return on equity.

Exhibit V-2 Flint Interfund Borrowing for FY 2006 through FY 2014
Source: City of Flint Comprehensive Annual Financial Reports

Due to/from Other Funds									
Fiscal year	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Due to:									
Sewer Disposal Division Fund	**$ 10,371,382**	**$ 3,677,506**	**$ 20,161,971**	**$ 20,076,951**	**$ 15,532,804**	**$ 10,524,275**	**$ -**	**$ -**	**$ -**
Self Insurance Fund	-	15,700,000	16,505,386	11,533,250	-	-	-	-	-
Others	9,344	-	-	263,503	7,849,233	12,326,801	18,281,313	9,681,892	9,637,895
	$ 10,380,726	$ 19,377,506	$ 36,667,357	$ 31,873,704	$ 23,382,037	$ 22,851,076	$ 18,281,313	$ 9,681,892	$ 9,637,895
Due from:									
General Fund	**$ 7,279,154**	**$ -**	**$ 14,653,786**	**$ 17,169,931**	**$ 18,002,907**	**$ 14,491,155**	**$ 10,911,215**	**$ 6,312,097**	**$ 13,216,455**
Special Revenue Funds	1,987,245	1,977,579	2,915,148	2,470,945	3,024,856	3,426,800	2,929,238	2,518,595	-
Internal Service Funds	495,116	973,629	216,290	66,535	115,959	-	-	-	-
Pension Trust Funds	609,867	309,265	1,125,312	-	-	-	-	-	-
Enterprise Fund	-	413,729	1,251,435	369,540	1,387,115	708,044	3,589,660	-	-
Fiduciary	-	3,304	-	-	-	-	-	-	-
Sewer Disposal Division Fund	-	15,700,000	16,505,386	11,533,250	851,200	4,225,077	851,200	851,200	-
Others	9,344	-	-	263,503	-	-	-	-	-
	$ 10,380,726	$ 19,377,506	$ 36,667,357	$ 31,873,704	$ 23,382,037	$ 22,851,076	$ 18,281,313	$ 9,681,892	$ 13,216,455

Advances to/from Other Funds									
Fiscal year	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Advance from:									
Sewer Disposal Division Fund	**$ 5,251,361**	**$ 6,094,131**	**$ 4,940,753**	**$ 9,266,399**	**$ 2,426,749**	**$ 1,348,618**	**$ 10,522,453**	**$ 9,800,000**	**$ 2,660,000**
Water Supply Division Fund	-	-	-	-	-	-	1,000,000	1,000,000	1,130,000
	$ 5,251,361	$ 6,094,131	$ 4,940,753	$ 9,266,399	$ 2,426,749	$ 1,348,618	$ 11,522,453	$ 10,800,000	$ 3,790,000
Advance to:									
Internal Service Funds	**$ 4,539,404**	**$ 5,524,565**	**$ 4,513,579**	**$ 7,279,154**	**$ 2,426,749**	**$ 1,348,618**	**$ 522,680**	**$ -**	**$ -**
Enterprise Fund	711,957	569,566	427,174	1,987,245	-	-	-	-	-
General Fund	-	-	-	-	-	-	10,999,773	10,800,000	3,790,000
	$ 5,251,361	$ 6,094,131	$ 4,940,753	$ 9,266,399	$ 2,426,749	$ 1,348,618	$ 11,522,453	$ 10,800,000	$ 3,790,000

VI. Personnel Costs

Annual Earnings and Benefits

The City of Flint's payroll has declined by almost 1,000 full-time equivalent employees, about 63%, since 2001 due to attrition and downsizing (**Exhibit VI-1**). This breaks down to a 59% reduction in public safety employees and a 65% reduction in other city employees. The majority of this reduction has taken place since 2008.

Pension Benefits

The City of Flint has a defined benefit pension plan with a benefit that ranges from 1.7% to 2.6% of the participant's Final Average Compensation (FAC) based on the last three years of credited service, multiplied by the years of credit service based on the date of hire. Employees who retire at or after age 55 with 10 years of credited service (eight years for appointed officials) or those members with 25 years of credited service (23 years for police and fire employees), regardless of their age, are entitled to a retirement benefit. Certain police members can voluntarily retire at age 50 with 25 years of service. Benefits fully vest on reaching 10 years of service with the benefit payable at age 55. The plan requires employee contributions ranging from 0% to 9%.

Beginning in October 2012, the City of Flint closed out its single-employer plan and transferred approximately $270 million of assets to the Michigan Municipal Employees' Retirement System, an agent multi-employer plan that covers substantially all employees of city government. The City of Flint's unfunded pension liability is $241 million, as of its most recent actuarial valuation.

Defined benefit plan pension benefits are determined by following a three-part formula:

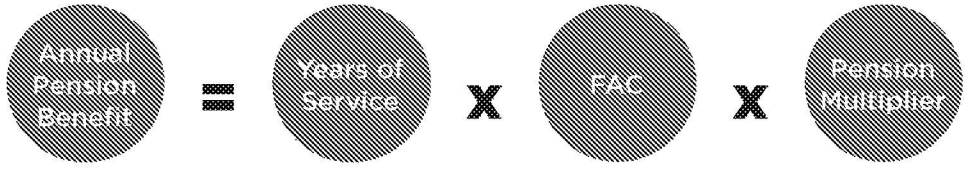
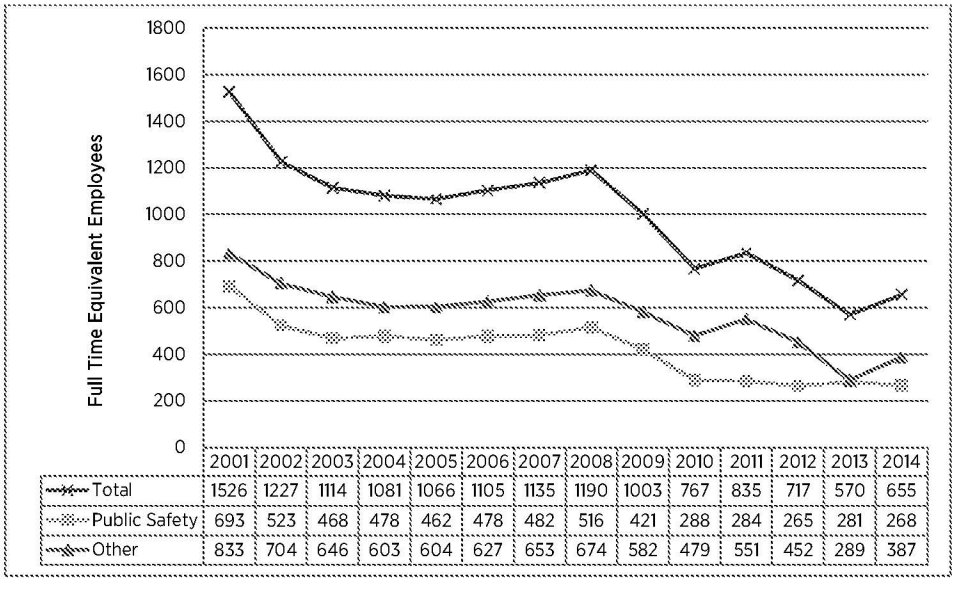


Exhibit VI-1 Flint Full-Time Equivalent Employees
Data source: City of Flint Comprehensive Annual Financial Report



	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total	1526	1227	1114	1081	1066	1105	1135	1190	1003	767	835	717	570	655
Public Safety	693	523	468	478	462	478	482	516	421	288	284	265	281	268
Other	833	704	646	603	604	627	653	674	582	479	551	452	289	387

Years of Service – Years of service is based on actual employee service, although sometimes the employee or employer may "buy" years of service at an actuarially determined cost. Unless this is fully funded in advance, it increases the long-term liability.

Final Average Compensation (FAC) – The final average compensation is the average of wages or salary paid to the employee based on a predetermined number of years. Identifying what type of compensation is included in the FAC is important. If it includes overtime, vacation leave payout, longevity, and other pay items, the cost to the employer increases. When the FAC is determined using fewer years, typically the benefit is higher since it is based on highest years. When the FAC period is very short, even small increases in overtime, compensatory time payout, or accrued leave time payout will increase the pension. This is the reason some retirees' actual pension benefits are higher than their regular full-time pay as active employees.

Pension Multiplier – The pension multiplier represents a percent of pay for each year of service.

A cost of living adjustment (COLA) provides an annual increase in benefit retirement. A COLA benefit of E2 provides a 2% annual increase in pension for retirees. Granting automatic pension increases can further constrain future administrations. Employers typically have a pension plan design where they may instead grant a one-time COLA adjustment to retirees.

The proportion of the Annual Required Contribution (ARC) that the city government has contributed to cover pension expenses has improved over the past several years (**Exhibit VI-2**). For every year since FY2009, the City of Flint has contributed at least the ARC amount.

Flint's pension Unfunded Accrued Actuarial Liability (UAAL) has increased from $194 million in 2006 to $323 million in 2011, which was the time of the last actuarial valuation (**Exhibit VI-3**). The funded ratio fell during this time from 81% to 61%.

Exhibit VI-2 Flint Pension – Actual vs. Annual Required Contribution

Data source: City of Flint Comprehensive Annual Financial Reports

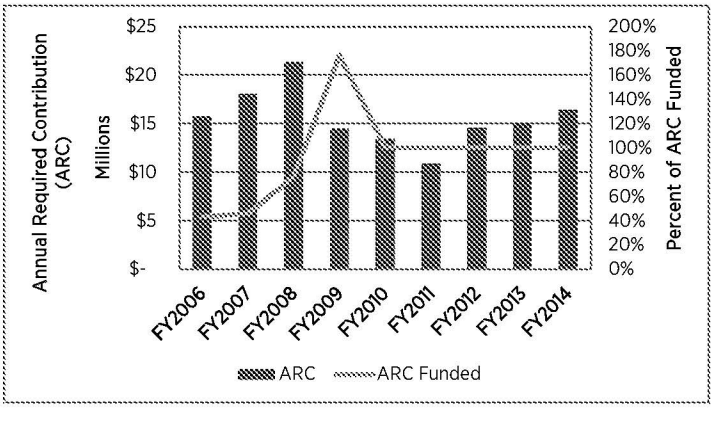
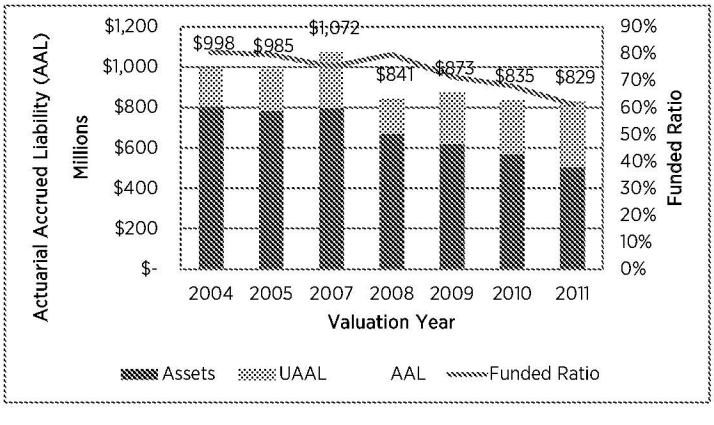


Exhibit VI-3 Flint Pension Funding Status

Data source: City of Flint Comprehensive Annual Financial Reports



Other Post-Employment Benefits

The City of Flint contributes to other post-employment benefits (OPEB) for public safety and general employees under collective bargaining agreements of Local 1799, Local 1600, and Fire Local 352. The proportion of the ARC that the city has paid to cover OPEB expenses has improved over the past couple years, from 31% in FY2011 to only 114% in FY2014 (**Exhibit VI-4**).

Since its actuarial valuation in 2006, the City of Flint's unfunded OPEB liability has been cut by $468 million. The city government began advance funding its OPEB plan in FY2012, which has been reflected in its 2012 actuarial valuation. As of this valuation, the plan is 0.1% funded, though that dropped to 0% in the 2013 valuation (**Exhibit VI-5**).

Exhibit VI-4 Flint Other Post-Employment Benefits – Actual vs. Annual Required Contribution
Data source: City of Flint Finance Department and Comprehensive Annual Financial Reports

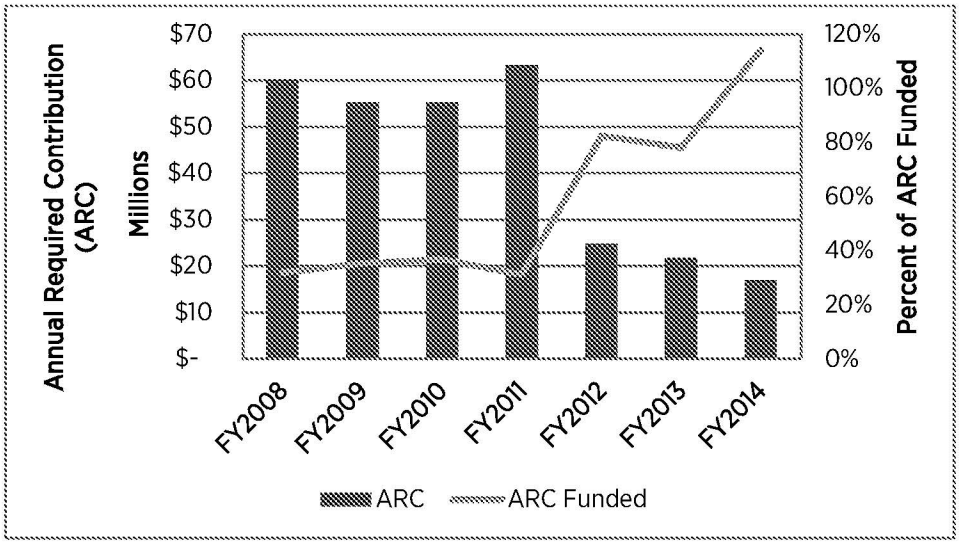
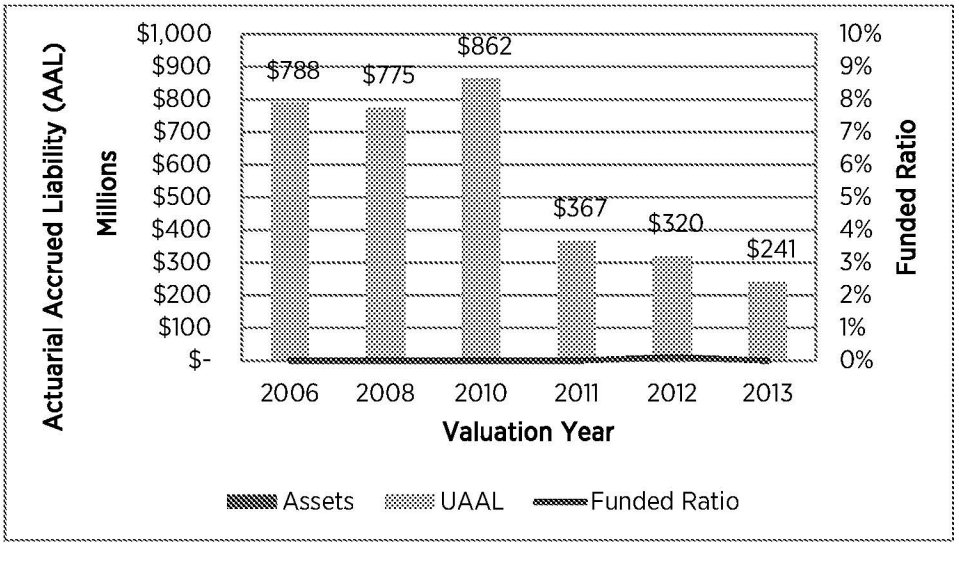


Exhibit VI-5 Flint Other Post-Employment Benefit Funding Status
Data source: City of Flint Comprehensive Annual Financial Reports



VII. Conclusion

On April 30, 2015, Gov. Rick Snyder rescinded the financial emergency in Flint and restored home rule and the power of the city's elected officials. It had been more than 10 years since the last time such an event occurred in Flint in the summer of 2004. Many questions still continue to swirl around the city's fiscal and economic future. A review of the reforms and changes that occurred since the appointment of an emergency manager in 2011 is a useful starting point for the city to understand the future fiscal trajectory it faces. This review will allow local and state officials to assess the reforms and changes in place and shape the future fiscal policy of the city of Flint, Michigan.

Changes implemented by the four emergency managers appointed to oversee Flint's finances were aimed at reducing the city's considerable budgetary deficit through reducing its financial obligations, especially pensions and other retiree benefits, while increasing city revenue. Some of the most significant changes have impacted the employees and retirees of the City of Flint. These two groups were the most important creditors of the city government. They remain so. Like many city governments in Michigan, Flint does not carry a large debt burden outside of water and sewer borrowing. This means that city retirees and employees are the groups owed the most by the city government and therefore, will be the most directly impacted during a financial reorganization following a fiscal crisis.

The structure of the city government was changed, with staffing reduced by 20%. A city administrator, who will serve as the city's chief administrative officer, was hired on a five-year contract. Among other responsibilities, the city administrator has the authority to negotiate collective bargaining agreements with the city's employee unions.

Reforms were also made to the way the city's budgeting practices, requiring two-year budgeting and three-year financial forecasts to be performed annually. This will allow city officials to identify and potentially deal with budgetary issues before they occur. The city government also adopted a master plan for the first time since the 1960s. The master plan identifies a vision for the city. It was developed with considerable input from the residents of Flint.

The electorate of Flint passed a referendum to have a Charter Review Commission put in place in the summer of 2015. The nine-member commission was elected in May of 2015. It will review the entire charter and assess options for reform. This is an excellent opportunity for the commission and the citizens of Flint to evaluate the current charter and determine a path forward for the city government that includes short-and long-term solvency.

The emergency manager signed a number of final orders before leaving office in April 2015. These orders involved the city council including agenda and meeting dates. They also included setting the special assessment for street lighting, restoring mayor and city council compensation, and adopting a set budget for FY 2016 and 2017. In addition, they included an order ensuring compliance with the so-called hard cap section of PA 152 of 2011 stating that the city shall not pay more than 80% of employee healthcare plans.

The final and perhaps most important order of the Flint emergency manager was issued on April 30, 2015. The overall purpose of the order is to ensure that the mayor and city council shall implement reforms and changes to maintain the fiscal stability of the city government. These provisions included following the recommendations of the Receivership Transition Advisory Board (RTAB) and city administrator. Specific other actions include 1) fully funding the annual pension requirement, 2) not interfering with city employees, 3) observing the budget ordinance, 4) ensuring all local laws are consistent with state laws, 5) not issuing debt without approval of the RTAB, 6) documenting all city liabilities, 7) verifying the appropriate eligibility requirements of all official city positions, 8) acting expeditiously on all economic development projects, and 9) reviewing and acting expeditiously on all intergovernmental cooperation initiatives by the city administrator. All of these provisions are intended to ensure that the city government, as dictated by the mayor and city council, follow certain practices and recommendations that are intended to maintain fiscal stability and solvency. These types of provisions were not in place after the 2002-04 crisis.

The city administrator is also subject to a number of provisions in the final EM order. These provisions include 1) overseeing day-to-day operation of city government, 2) negotiating and recommending changes to bargaining unit contracts to the RTAB, 3) submitting regular reports on city progress, 4) ensuring full compliance with PA 436 of 2012, 5) not removing city administrator without approval of RTAB, 6) observing all purchasing order ordinances, and 7) serving as primary interface between city council and city employees. Again, all of these provisions are meant to ensure the fiscal stability of the city government.

The changes made by the emergency managers have improved Flint's financial position. The general fund deficit was reduced from its peak of over $19 million in FY2012 to just over $8 million in the most recent fiscal year. The city has applied for a $7 million loan from Michigan's Emergency Loan Board, which would effectively eliminate

this deficit. Pension and OPEB liabilities have been significantly reduced, and reforms to employee collective bargaining agreements have reduced future legacy costs. Other cost-saving measures include transferring emergency dispatch to Genesee County and contracting out waste collection.

Despite the progress made since a fiscal emergency was declared in 2011, the City of Flint still faces considerable challenges to its fiscal solvency. Outgoing emergency manager Jerry Ambrose mentioned some of these in his final letter, including the lawsuit filed on behalf of Flint's retirees over changes made to their healthcare benefits, the structural deficit that still exists in the city's financial projections, challenges to fund the city's public safety needs, and the city's ageing infrastructure.

The overall Flint fiscal playbook that has been enacted by the state government and its emergency managers serves as an important template for these types of interventions.[12]

The first part of the playbook is that any reforms or changes must be in reference to the largest component of the fiscal problem, which in this case related to liabilities owed to employees and retirees. Many important changes were made to wages and compensation, pension system benefits, medical benefits and other such liabilities. Of equal or perhaps greater importance, there are a number of safeguards now in place to ensure that these changes remain in place for a long period. Any adjustments to these reforms must go through the city administrator and the RTAB. These safeguards are obviously meant to prevent any backsliding to previous wage or benefit levels. It is this type of activity that led to the most recent crisis, as changes made by the emergency financial manager in 2004 were not kept in place and most of those changes were rescinded by the elected officials between 2004 and 2011. Those changes, combined with the worst recession since the Great Depression, meant that the city faced short- and long-term fiscal insolvency in 2011.

[12] This statement is not meant as recommendation or approval for the state emergency manager law. There are many dimensions upon which the state emergency manager should be assessed. This statement is simply meant to reflect that, in following this path, the Flint experience, with one of the state's largest cities, may be an important reference point.

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Exhibit VI-5 Flint Other Post-Employment Benefit Funding Status

Endnotes

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[v] Khalil AlHajal, "Bishop Airport Board Votes to Begin Seeking Bids for $16.8 Million Expansion" |*MLive.com*, January 25, 2011, http://www.mlive.com/news/flint/index.ssf/2011/01/bishop_airport_board_votes_to.html.

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From: Muchmore, Dennis (GOV)
Sent: Wednesday, September 16, 2015 6:14 PM
To: Andrew Leavitt
Subject: Fwd: EPA's response to Rep. Kildee re: Flint water
Attachments: ATT00001.htm

Sent from my iPhone

Begin forwarded message:

> **From:** "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>
> **Date:** September 16, 2015 at 4:25:08 PM EDT
> **To:** "Hollins, Harvey (GOV)" <hollinsh@michigan.gov>, "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>
>
> **Subject: FW: EPA's response to Rep. Kildee re: Flint water**
>
> Heads up, here's the official response on Flint water inquiry from EPA to Cong. Kildee. It went last night.
> Our formal response is going out COB today, will send around the finalized but not yet sent version in just a moment so you've got it.
> If you have questions, call my cell phone, please. Thanks!
> b
>
> Brad Wurfel
> Communications Director
> Michigan Department of Environmental Quality
> 517-284-6713
> [redacted]cell

From: Pallone, Maggie (DEQ)
Sent: Tuesday, September 15, 2015 7:25 PM
To: Wyant, Dan (DEQ); Thelen, Mary Beth (DEQ); Howes, Sarah (DEQ); Wurfel, Brad (DEQ); Busch, Stephen (DEQ); Benzie, Richard (DEQ); Shekter Smith, Liane (DEQ); Sygo, Jim (DEQ)
Subject: Fwd: EPA's response to Rep. Kildee re: Flint water

Begin forwarded message:

> **From:** "Fortin, Denise" <Fortin.Denise@epa.gov>
> **Date:** September 15, 2015 at 6:28:38 PM EDT

To: "Pallone, Maggie (DEQ)" <PalloneM@michigan.gov>
Cc: "Beckmann, Ronna Erin" <beckmann.ronna@epa.gov>, "Deamer, Eileen" <deamer.eileen@epa.gov>
Subject: EPA's response to Rep. Kildee re: Flint water

Here you go, Maggie. I'll be sending this letter to Jordan Dickinson shortly.

Please keep me posted on the location for Monday's meeting.

Thanks,
Denise

Denise Fortin
Congressional Liaison
Office of Regional Administrator
U.S. Environmental Protection Agency
312-886-9859

From: Muchmore, Dennis (GOV)
Sent: Wednesday, September 16, 2015 6:14 PM
To: Andrew Leavitt
Subject: Fwd: Kildee Response re Flint Water
Attachments: Kildee Response re Flint Water.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

> **From:** "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>
> **Date:** September 16, 2015 at 4:26:47 PM EDT
> **To:** "Hollins, Harvey (GOV)" <hollinsh@michigan.gov>, "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>,
> **Subject: FW: Kildee Response re Flint Water**
>
> Here is DEQ's formal response to the congressional inquiry on Flint water. FYI. Going out COB today.
> Call me if you have questions or issues.
> b
>
> ---
>
> **From:** Feuerstein, Heather (DEQ)
> **Sent:** Wednesday, September 16, 2015 4:23 PM
> **To:** Wurfel, Brad (DEQ)
> **Subject:** Kildee Response re Flint Water

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

RICK SNYDER
GOVERNOR

DAN WYANT
DIRECTOR

September 16, 2015

VIA E-MAIL

The Honorable Daniel Kildee
United States House of Representatives
Washington, DC 20515

Dear Congressman Kildee:

Thank you for your September 9, 2015, letter regarding your concerns for the drinking water in the city of Flint (Flint). The Michigan Department of Environmental Quality (MDEQ) is working closely with Flint's water department as well as the U.S. Environmental Protection Agency (USEPA) to ensure Flint residents have ample water that meets state and federal drinking water standards.

The MDEQ's role is to administer its nearly 40-year-old state drinking water protection program based on federal guidelines. The MDEQ works with approximately 11,500 public water systems in the state to monitor for more than 90 primary drinking water contaminants and ensure that every supply consistently provides safe drinking water.

In Flint, the city made a decision 18 months ago to switch drinking water sources. This change required them to take specific measures under the federal Lead and Copper Rule, which was enacted in 1991 to monitor water as it interacts with lead service connections and home plumbing. Flint's test results were conducted according to the same testing protocols every Michigan community uses and the same protocols Flint has used to test its water every three years for the past 25 years.

While the results from Flint's testing show compliance with the federal action level for lead and copper, on August 17, 2015, the MDEQ instructed the city to move forward expeditiously with developing additional corrosion control treatment to minimize the corrosive effects between drinking water and lead service connections and home plumbing in the Flint service area.

We appreciate and share your concern for the situation, and the MDEQ looks forward to providing you a detailed briefing next week. If you have any additional questions in the meantime, please contact Ms. Maggie Pallone, Deputy Director, Policy and Legislative Affairs, at 517-284-6704 or pallonem@michigan.gov; or you may contact me.

Sincerely,

Dan Wyant
Director

517-284-6700

cc: Senator Jim Ananich
Representative Sheldon Neeley
Representative Phil Phelps
Mayor Dayne Walling, City of Flint
Mr. Howard Croft, City of Flint
Dr. Susan Hedman, Regional Administrator, USEPA, Region 5
Mr. Thomas Poy, USEPA, Region 5
Ms. Denise Fortin, USEPA, Region 5
Mr. Michael Schock, USEPA
Mr. Darren Lytle, USEPA
Mr. Marc Edwards, Virginia Tech
Mr. Harvey Hollins, Governor's Southeast Michigan Office
Mr. Bill McBride, Governor's Washington Office
Mr. Eric Brown, Governor's Washington Office
Mr. Jim Sygo, Chief Deputy Director, MDEQ
Ms. Madhu R. Anderson, Deputy Director, MDEQ
Ms. Maggie Pallone, Deputy Director, MDEQ
Ms. Sarah M. Howes, Legislative Liaison, MDEQ
Mr. Brad Wurfel, Communications Director, MDEQ
Ms. Liane Shekter Smith, MDEQ
Mr. Stephen Busch, MDEQ
Mr. Pat Cook, MDEQ

From: Muchmore, Dennis (GOV)
Sent: Thursday, September 17, 2015 11:06 AM
To: Andy Leavitt (aleavitt@senate.michigan.gov)
Subject: FW: EPA's response to Rep. Kildee re: Flint water
Attachments: Hon. Daniel Kildee 09-15-15.pdf; ATT00001.htm

Sorry, here's the EPA letter to Dan.

From: Wurfel, Brad (DEQ)
Sent: Wednesday, September 16, 2015 4:25 PM
To: Brown, Eric (GOV) <BrownE15@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>
Cc: Brown, Jessica (GOV) <BrownJ53@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>
Subject: FW: EPA's response to Rep. Kildee re: Flint water

Heads up, here's the official response on Flint water inquiry from EPA to Cong. Kildee. It went last night.
Our formal response is going out COB today, will send around the finalized but not yet sent version in just a moment so you've got it.
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Brad Wurfel
Communications Director
Michigan Department of Environmental Quality
517-284-6713
[redacted] cell

From: Pallone, Maggie (DEQ)
Sent: Tuesday, September 15, 2015 7:25 PM
To: Wyant, Dan (DEQ); Thelen, Mary Beth (DEQ); Howes, Sarah (DEQ); Wurfel, Brad (DEQ); Busch, Stephen (DEQ); Benzie, Richard (DEQ); Shekter Smith, Liane (DEQ); Sygo, Jim (DEQ)
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> **From:** "Fortin, Denise" <Fortin.Denise@epa.gov>
> **Date:** September 15, 2015 at 6:28:38 PM EDT
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> **Cc:** "Beckmann, Ronna Erin" <beckmann.ronna@epa.gov>, "Deamer, Eileen" <deamer.eileen@epa.gov>
> **Subject: EPA's response to Rep. Kildee re: Flint water**

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Please keep me posted on the location for Monday's meeting.

Thanks,
Denise

Denise Fortin
Congressional Liaison
Office of Regional Administrator
U.S. Environmental Protection Agency
312-886-9859

United States Environmental Protection Agency
Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

SEP 15 2015

The Honorable Daniel Kildee
Member, U.S. House of Representatives
Washington, D.C. 20515-1313

Dear Congressman Kildee:

Thank you for your September 9, 2015 letter regarding drinking water quality in the City of Flint. EPA is actively working with the Michigan Department of Environmental Quality (MDEQ) to help the City provide clean and safe water.

Consistent with the recommendations in the internal memorandum cited in your letter, EPA is working with MDEQ to monitor Flint's compliance with the federal Lead and Copper Rule. On August 17, 2015, MDEQ notified Flint that additional treatment will be required to optimize corrosion control and the City is taking steps to do so. Experts from EPA's Office of Research and Development are providing technical assistance to Flint to implement those corrosion control improvements.

Flint residents who are concerned about lead in drinking water may request water sampling by the local water utility. General information about lead in drinking water and tips to reduce lead exposure are available at http://water.epa.gov/drink/info/lead/index.cfm

Again, thank you for your letter. We look forward to a more detailed discussion at the meeting that is being set up on Monday. In the meantime, if you have further questions, please contact me or your staff may contact Denise Fortin or Ronna Beckmann, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

Susan Hedman
Regional Administrator

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (100% Post-Consumer)

From: Muchmore, Dennis (GOV)
Sent: Monday, September 21, 2015 11:35 AM
To: Andrew Leavitt
Subject: Re: PRESS RELEASE: Mayor Dayne Walling to Visit Washington, D.C. for White House Welcome of Pope Francis

Geez Andy, I just asked if he was going to ask the Prez for money....

Sent from my iPhone

On Sep 21, 2015, at 11:19 AM, Andrew Leavitt <ALeavitt@senate.michigan.gov> wrote:

> Tone def for sure but if we want to be snarky it was DEQ who allowed this water to flow and your emergency manager(s) who, by definition are supposed to be better at management than the city officials, who bungled every technical facet of management of this water system; from corrosion to TTHM to transparency. Failure from top to bottom.
>
> Whether this water is or is not technically within guidelines of EPA its clear by the DEQ letter that this is an incredible display of mismanagement and self preservation.

From: "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>
Date: Friday, September 18, 2015 at 9:57 AM
To: Andy Leavitt <aleavitt@senate.michigan.gov>
Subject: FW: PRESS RELEASE: Mayor Dayne Walling to Visit Washington, D.C. for White House Welcome of Pope Francis

I assume Dayne's asking the President for money for water lines?

From: Jason Lorenz [mailto:jlorenz@cityofflint.com]
Sent: Friday, September 18, 2015 8:01 AM
Subject: PRESS RELEASE: Mayor Dayne Walling to Visit Washington, D.C. for White House Welcome of Pope Francis

For Immediate Release

Mayor Dayne Walling to Visit Washington, D.C. to Join President and First Lady Obama for White House Welcome of Pope Francis

Flint, Michigan – September 18, 2015–Flint Mayor Dayne Walling will be travelling to our nation's capital to join a White House delegation welcoming Pope Francis to the White House during his trip to the United States. Pope Francis will arrive in Washington, D.C. on September 22 and will be greeted the following day during a ceremony hosted by President and First Lady Obama on the White House's South Lawn. Mayor Walling will be joined by City Attorney Pete Bade to represent Flint in a welcome delegation of officials and leaders from around the country.

"As a person of deep Christian faith and strong patriotism, there is no place in the world I would rather be that day than on the South Lawn of the White House with the President and First Lady to welcome the Pope. I am honored to be able to attend this once in a lifetime experience and represent our great City of Flint," said Walling. The Mayor is a long time, active member of the Court Street Methodist Church.

City Attorney Pete Bade, who will be the Mayor's guest to the ceremony, is a devout Catholic and a member of St. John Vianney Catholic Church in Flint. Bade says he feels honored and blessed to join Mayor Walling for this historic visit. "In the past two and half years, Pope Francis has captured the world's attention with his humility and constant message of compassion for the poor," said Bade.

The welcome ceremony for the Pope is the primary focus of the Mayor's trip to D.C., but while there he will also be meeting with federal representatives to discuss matters important to the City of Flint. Additional information on the Mayor's schedule during his trip will be made available on Monday, September 21. The Mayor and City Attorney's visit to Washington, D.C. is being paid for by each of them personally and will not cost the City of Flint in any way.

–END–

-Jason Lorenz
Public Information Officer
City of Flint
(810) 237-2039 (Office)
[redacted] (Cell)
jlorenz@cityofflint.com

From: Muchmore, Dennis (GOV)
Sent: Tuesday, September 22, 2015 4:04 PM
To: Andy Leavitt (aleavitt@senate.michigan.gov)
Subject: FW: Flint Water

I thought you might be interested in this article from early 2013.

Flint City Council approves resolution to buy water from Karegnondi, state approval still needed
By Dominic Adams | dadams5@mlive.com
on March 25, 2013 at 10:45 PM, updated March 26, 2013 at 1:28 AM

FLINT, MI – Flint is one step closer to getting its water from Lake Huron as part of the Karegnondi Water Authority.

The vote, approved 7-1 at the Flint City Council meeting Monday, March 25, may have set in motion the end to Flint paying to get its water from Detroit.

Under the proposal, Flint would get 16 million gallons per day of raw water from Lake Huron, pipe it to Flint for treatment and then sell it to customers throughout the city. Another 2 million gallons per day would come from the Flint River and will be treated in Flint.

Mayor Dayne Walling said the Department of Environmental Quality must approve Flint's getting 2 million gallons per day from the Flint River.

Tuesday's meeting followed weeks of discussions and special meetings surrounding the resolution.

"We got there," Councilman Joshua Freeman said. "That's the important thing."

There were more than 50 people at Monday's meeting.

"Going with Karegnondi is the best decision. We have no opinion on the economics of the decision," said Rebecca Fedewa, Flint River Watershed Coalition executive director. "If we start drawing water out of the Flint River, we are at risk of having to start releasing water from our reservoirs."

Genesee County Drain Commissioner Jeff Wright said the decision must still be approved by a county water and waste advisory board. The KWA board will then be reconvened for final approval.

Wright said construction could start in May.

State treasury officials still must approve the city council's move because Flint has an emergency financial manager. All expenditures over $50,000 must be approved.

Genesee County Drain Commissioner Jeff Wright has said that Flint would pay roughly $6.4 million annually for water service if it joined the pipeline – a nearly $4 million savings on what it pays Detroit for water.

Walling previously said the city would save $19 million over eight years by getting water from the KWA.

"It's a historic night in the City of Flint," Walling said. "The savings will be less with the capacity level approved by city council because there will be increased treatment cost for the river water."

He said the DEQ told the city it needed to get 18 million gallons per day or there would have to be additional work done at Flint's water plant.

Flint's water plant and the Flint River is currently the backup for Flint and Genesee County, however, the plant only operates four times per year.

Councilman Bryant Nolden was the lone dissenting vote.
"It was a protest vote," Nolden said. "I knew they had enough votes. I just feel like the Flint River is our best option."
Karengnondi is the regional water authority that includes Genesee, Lapeer and Sanilac counties and the cities of Flint and Lapeer.
Flint is the second municipality, behind Genesee County, to officially decide to purchase raw water through the KWA. Lapeer city officials said they intend to purchase water, but an agreement has been finalized.
Dominic Adams is a reporter for MLive-Flint Journal. Contact him at dadams5@mlive.com or 810-241-8803. Follow him on Twitter, Facebook or Google+.

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From: Muchmore, Dennis (GOV)
Sent: Tuesday, September 22, 2015 4:16 PM
To: Andy Leavitt (aleavitt@senate.michigan.gov)
Subject: FW: Independent Water Analysis - Flint
Attachments: Independent Water Analysis.PDF

Another old article so you have what I have.

Waste Water Flow Device
Hand Held Industrial Meas.urement With Clamp-On Sensors & Readout.

ABC12 Investigates: What's in your water?

Posted: Jan 29, 2015 3:38 PM EST
Updated: Jan 29, 2015 11:54 PM EST

By Larry Elliott CONNECT

FLINT (WJRT) - (01/29/15) - The results are in and we now have a completely independent look at what's in Flint's water supply.

For months, since Flint switched from a Detroit water supply to the Flint River as it's water source, Flint water customers have complained of smelly, cloudy, bad tasting water and blame it for a variety of health problems.

Complaints exploded earlier this month when Flint notified its water customers that a group of chemicals known as TTHM were at much higher average levels than allowed by law.

With so many questions and distrust of the answers, ABC12's Larry Elliott investigates - What's in your Water?

It seems no matter who you ask in the Flint area, there's an opinion about the city's water. Most of the issues center on the quality of the water and whether it's safe to drink.

"Right now it smells," said Flint resident Lee Miller. "We're getting water out of our own back yard now and it's costing me double what it was coming from Detroit."

"It has a funny taste to it," said Flint resident Milton Alexander.

"It could be dangerous to us, actually I don't know how dangerous it is," said Flint resident Shanika Sanders.

"I'm no cheerleader for the water department here, I think we've got a lot of issues to work on," Ken VanWagoner, of Good Beans Cafe - Flint.

Most of the issues center on the quality of the water and whether it's safe to drink, but concern over its safety reached a new high earlier this month when the city was required by the state Department of Environmental Quality to notify residents that the water had exceeded the allowable limit of a group of chemicals known as TTHM.

TTHM is in most municipal water systems and is thought by some to be a possible carcinogen in long term exposure.

It's a byproduct of chlorination, which is commonly used to help purify water. Last August, as Flint's water treatment plant worked to purify the water it was drawing from the Flint River, levels of TTHM grew to well over the EPA allowed maximum.

August test results provided by the DEQ to ABC12 show all of the eight testing sites around Flint had TTHM levels well above the legal limit.

The lowest level among the eight sites was 40 percent above the legal limit. The highest was 145 percent

more than allowed.

DEQ rules only require the city to report higher than allowed levels to the public once a year, and only if the average of quarterly tests is higher than the legal limit.

That notification went out to residents on Jan. 5. Since then, many residents have refused to believe assurances from the DEQ and the city that the water is now safe to drink.

So, we set out to do complete and independent testing to find out for ourselves exactly what's in your water.

It took a bit of research, but we finally found Water Tech, in Howell, a testing lab with absolutely no ties to Flint, just to make sure there are no questions about the test results.

After having Water Tech train ABC12's Larry Elliott on the proper methods for collecting water samples, we set out last week to randomly test five sites in Flint.

1. Downtown.

"I'm excited to see this done because this is an independent way to find out that everything's just fine," VanWagoner said.

2. The north side.

"We'd like to do kind of a whole battery of tests of your water. Oh yeah," Alexander said.

3. The west side.

"It could be dangerous to us. How about if we help you find out what's in it right now?" Sanders said.

4. The east side.

"I'm hoping for a good test and put my family at ease," Miller said.

5. Our main studio, on the south side.

We also wanted to compare whatever we're to find with Detroit supplied water, so we took a sample from the Burton water system.

Since next year Flint will connect to the new KWA pipeline, getting its water from Lake Huron, we took a comparison sample from the Saginaw-Midland water system, which currently uses Lake Huron water.

We tested all the sites for levels of TTHM. We also tested how much residual chlorine was in the Flint and Burton water supply and more importantly, we tested at two of our Flint sites for a number of other hazardous chemicals that could cause skin or other health problems.

Tests for those other chemicals are not required for public water systems, but we decided to run those tests anyway.

Here's what our independent testing shows:

All sites tested, including the Saginaw-Midland water system and the Burton system, using Detroit water, contained TTHM - but all of them were well below the EPA allowed maximum.

Saginaw-Midland water had less than a third of the maximum TTHM allowed, the Burton system had only about 25 percent of the maximum and the highest level found of all of our Flint tests showed just over 65 percent of what's allowed, all below EPA limits.

A similar byproduct of chlorination, haloacetic acids, was also well below EPA maximums in Flint's water.

We tested Flint's north and east water samples for many other hazardous chemicals that a doctor told us could cause skin or other health problems, and on both tests, not a single one of those chemicals was detected.

Since most often any smell to the water would be caused by levels of total residual chlorine, we tested that too, in both our Flint and Burton samples.

The legal limit is 4 milligrams per liter. The average of our Flint samples shows a level of about a half milligram per liter. Our test in Burton actually shows 22 percent more residual chlorine than Flint.

Our Flint sample also showed no Coliform bacteria.

We asked Chris McCarthy, of Water Tech, a few questions.

Q: How would you describe these test results?

A: "Well, for the samples received, the tests we performed, everything is within EPA guidelines for safe drinking water."

Q: Is there anything in these results that raises a red flag for you?

A: "For water quality or water safety, No."

We then asked residents if these results change their opinion of what they'll do with their water now.

"To be honest, no," Alexander said.

"It will make me feel a lot more comfortable about bathing and brushing my teeth in it, but I'm still not going to drink it and I'm not gonna give it to my kids or my dog," Sanders said.

"It makes me feel a lot more safer, a lot more comfortable knowing that it's safe to drink now, you know. I'll tell you a load lifted off my shoulders. When the kids take baths, when my wife takes a shower, you know, I know now we're safe," Miller said.

So what about those who've stood before Flint City Council with jugs of discolored water?

While Genesee County Drain Commissioner Jeff Wright points out he has no jurisdiction over Flint's water system, he says in general, discolored water like this is nearly always the result of water main breaks or repairs, and Flint has more than its share because of its aging system.

Wright also says the KWA pipeline won't change that. It will take better management of repairs and money - lots of it - to replace Flint's aging water mains.

Unfortunately for the city of Flint, those very high levels of TTHM recorded last August in Flint water tests are still required by the DEQ to be included in the next report calculating average TTHM levels.

The next test will be done next week, and city Public Works Director Howard Croft tells ABC12, because of the high levels last August, the city will again be found in violation and will be required by the DEQ to send out another TTHM notice of violation to all Flint water customers in early March, even if all new tests show levels under the legal limit.

To view the TTHM testing results from the Michigan DEQ, click HERE.

To view the results of ABC12's water tests, click on the location you'd like to see results for below:

Flint Center

Flint North

Flint East

Flint South

Flint West

Burton

Saginaw-Midland

To view the Michigan DEQ results for South Flint, click HERE.

From: Muchmore, Dennis (GOV)
Sent: Tuesday, September 22, 2015 4:44 PM
To: 'Andrew Leavitt'
Subject: RE: Flint Water

Nothing specific in it except for the 7-1 vote and the Mayor's leadership. We just need to get these folks to the finish line on KWA. When we talk I'll fill you in on some of the old background that is both not public, and, not printable.

From: Andrew Leavitt [mailto:ALeavitt@senate.michigan.gov]
Sent: Tuesday, September 22, 2015 4:09 PM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>
Subject: Re: Flint Water

Thanks I have been digging through clips as well. For clarity, what specifically should interest me?

Sent from my iPhone

On Sep 22, 2015, at 4:03 PM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

> I thought you might be interested in this article from early 2013.
>
> Flint City Council approves resolution to buy water from Karegnondi, state approval still needed
> By Dominic Adams | dadams5@mlive.com
> on March 25, 2013 at 10:45 PM, updated March 26, 2013 at 1:28 AM
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Dominic Adams is a reporter for MLive-Flint Journal. Contact him at dadams5@mlive.com or 810-241-8803. Follow him on Twitter, Facebook or Google+.

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From: Andrew Leavitt <ALeavitt@senate.michigan.gov>
Sent: Thursday, September 24, 2015 11:31 AM
To: Clement, Elizabeth (GOV)
Subject: FW: Flint Water: Immediate Steps

From: Andy Leavitt <aleavitt@senate.michigan.gov>
Date: Wednesday, September 23, 2015 at 3:33 PM
To: "dmuchmore@michigan.gov" <dmuchmore@michigan.gov>
Subject: Flint Water: Immediate Steps

Hello Dennis,

As we discussed, below are tangible steps I think we can take to help Flint residents through this water problem.

- Make DHHS the lead agency.
- Provide DHHS staff support to expand Dr. Mona Hanna-Attisha'sresearch efforts. Specifically, more monitoring of blood-level data.
- Help put together private, state, and endowment funds that will support and maintain a filter program. House a emergency readiness expert in DHHS to create the logistical framework for implementation of the filter program
- When the County Health Department issues a health advisory work with DHHS to allow WIC recipients to use their resources on water and ready made formula.

Thanks for lunch and the chat,

Andy

From: Flint Mayor <mayor@cityofflint.com>
Sent: Thursday, November 05, 2015 5:48 PM
Subject: Thanks to You

Dear All,

I can't say thank you enough to everyone who supported me and the entire Flint community. It has been the honor of a lifetime to be mayor of our great City of Flint.

By working together we changed Flint for the better. From the bottom of the recession and through four state-appointed emergency managers, Flint's heart beat continued and positive developments were made in every part of the city.

Good work is being done every day to fix the water, win the war on blight, reduce crime, support new businesses, engage our youth, and provide essential public and community services. I am most proud of how we worked together to develop a comprehensive vision for Flint's future as a 21st Century City in the Imagine Flint Master Plan. The plan will serve as a blueprint for the next chapter in Flint's prosperity.

I am also confident that the positive momentum will be carried forward in the months and years to come. Here at City Hall, there is a strong professional management team in place along with a strategic plan, two-year budget, five-year financial projection and a performance evaluation process. This is very different from what I inherited six years ago when I first came into office as your mayor.

Despite the difficulties we continue to face, I know there is a bright future ahead and my family and I look forward to being involved. Thanks again for your support. You may reach me at daynewalling@gmail.com.

Sincerely,
Dayne Walling

From: Keilen, Alison (GOV)
Sent: Monday, September 22, 2014 10:01 AM
To: Ackerman, Darin (GOV)
Subject: FW: Valerie Brader Contact Info

FYI – assuming OK to pass along Val's email and the mainline number?

From: Bryanna McGarry [mailto:BMcGarry@senate.michigan.gov]
Sent: Monday, September 22, 2014 9:59 AM
To: Keilen, Alison (GOV)
Cc: Tom Lenard (tomlenard@jimananich.com); Sean Walser
Subject: Valerie Brader Contact Info

Hi Alison,

Hope you are well. Senator Ananich had a conversation with Rodney Stokes about the water contamination issue that the City of Flint has been dealing with (http://www.mlive.com/news/flint/index.ssf/2014/09/flint_flushes_out_latest_water.html) and Rodney recommended that he reach out to Valerie Brader (hope I spelled that right) from the Governor's office. Any chance you could provide us with her email and phone number? We would greatly appreciate it.

Thanks!!

Bryanna

--
Bryanna McGarry, MSW
Legislative Director
State Senator Jim Ananich
District 27
517-373-5133

From: Wisniewski, Wendy (GOV)
Sent: Thursday, January 29, 2015 4:55 PM
To: Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Saxton, Thomas (Treasury)
Cc: Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Rospond, Laurie (GOV)
Subject: FW: Letter of Appeal for Flint
Attachments: Neeley Letter to the Governor 01-29-15.pdf

Importance: High

FYI

From: Rep. Sheldon Neeley (District 34) [mailto:SheldonNeeley@house.mi.gov]
Sent: Thursday, January 29, 2015 4:02 PM
To: GovernorsOffice
Cc: Posthumus, Dick (GOV); Muchmore, Dennis (GOV); Clyde Edwards; Kiesha Speech
Subject: Letter of Appeal for Flint
Importance: High

Dear Gov. Snyder,
Please find attached my letter of appeal to your office concerning the City of Flint, a place I proudly call home, and now proudly represent as its State Legislator. I look forward to meaningful discussions regarding solutions to the problems that my community now faces, and appreciate a timely response from your office.

For the Love of the Community,

Sheldon Neeley, State Representative
34th District - Flint
N-798 House Office Building
P. O. Box 30014
Lansing, MI 48909
Office: (517) 373-8808
Toll Free: (844) 4-NEELEY
FAX: (517) 373-5997
E-mail: sheldonneeley@house.mi.gov
Web: http://neeley.housedems.com

34TH DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514
PHONE: (517) 373-8808
FAX: (517) 373-5897
E-MAIL: sheldonneeley@house.mi.gov

MICHIGAN HOUSE OF REPRESENTATIVES

SHELDON A. NEELEY

STATE REPRESENTATIVE

January 29, 2015

Honorable Rick Snyder, Governor
State of Michigan

Dear Gov. Snyder,

With the dawn of a new beginning in our state, the city of Flint stands on the precipice of civil unrest. This letter comes as an appeal to your office concerning this proud Michigan community and recent discussions pertaining to Flint's water distribution and management strategies for both present and future operations. Flint has had a long history concerning the implementation of water practices and financial management of its water assets. Our present journey has caused us to take a closer look at our 80-year-old infrastructure and examine a difficult position where we must correct some past and even present challenges, one of which is affecting the people of my community to the point of a fervor over something as simple as drinking clean water.

As we engage these challenges, Flint must revisit the present water revolving loan plans to determine how these current funding obligations will affect water delivery and asset development for the future. It is clear that no significant improvements can be obtained without some supportive concessions. Therefore, I am requesting on behalf of the 34th District, which contains a portion of the city of Flint, for you to consider an executive decision to forgive (in-total or part) Flint's water fund loan balances of $20,770,336 so that we may effectively apply those funds to rebuilding the city's infrastructure, to competitively obtain highly qualified personnel and provide a more cost effective water delivery system. I understand there has been many requests made of your office to resolve this very serious issue, but this approach will best safeguard the health and welfare of the residents of Flint as well as minimize the potential for litigation against the city of Flint and/or the state of Michigan.

With a cost-effective water delivery system, we will be able to improve our system in the following ways: upgrade wastewater treatment processes, improve safe drinking water upgrades, and maintain and sustain a water system that provides a better quality of water product to the citizens of Flint.

Recycled Paper

It is imperative that this issue be addressed in some way on the state level. Residents of Flint are already finding themselves forced to take drastic measures simply to have clean drinking water.

Community health could be on the decline as citizens become afraid to even shower or bathe in their homes. The people of Flint bring bottles of brown water full of sediment and other foreign substances to community meetings, asking only to be treated as human beings. That is all I am asking of you - to see the suffering and anger from the people in one of Michigan's municipalities and understand that there is a need to react and respond to this crisis.

With the beginning of a new year to work toward a better Michigan, my office is ready to have discussions on this request and other planning that works to improve OUR Michigan. I sincerely thank you in advance for your consideration on this matter.

For the Love of the Community,

Sheldon A. Neeley, State Representative
34th District

CC: Dennis Muchmore
Dick Posthumus

From: Walsh, John (GOV)
Sent: Thursday, January 29, 2015 5:09 PM
To: Wisniewski, Wendy (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Saxton, Thomas (Treasury)
Cc: Muchmore, Dennis (GOV); Posthumus, Dick (GOV); Rospond, Laurie (GOV); Agen, Jarrod (GOV); Brownfield, Michael (GOV)
Subject: RE: Letter of Appeal for Flint

We can work with the Legislative staff and prepare a response. Please note that Flint will be a recipient of $2 million in awards under the Financially Distressed Cities and Townships program - $900,000 for water and $1.1 million for the incinerator. This has not been announced publicly – Treasury will be circulating internally their overall recommendations late this afternoon or tomorrow morning. We can coordinate how this information might be disseminated with Comms to assist with our messaging in Flint (I added Jarrod to this email chain).

From: Wisniewski, Wendy (GOV)
Sent: Thursday, January 29, 2015 4:55 PM
To: Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Walsh, John (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Saxton, Thomas (Treasury)
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Importance: High

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From: Muchmore, Dennis (GOV)
Sent: Thursday, January 29, 2015 6:48 PM
To: Walsh, John (GOV); Wisniewski, Wendy (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV)
Cc: Posthumus, Dick (GOV); Rospond, Laurie (GOV); Agen, Jarrod (GOV); Brownfield, Michael (GOV)
Subject: RE: Letter of Appeal for Flint

I suggested to Dave Murray that he get a confirmation from John Roberts that the money is indeed available to be distributed just for confirmation sake. We've all been around enough of these to make sure our i's are dotted and t's crossed before we go out publicly.

From: Walsh, John (GOV)
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To: Wisniewski, Wendy (GOV); Hollins, Harvey (GOV); Clement, Elizabeth (GOV); Clayton, Stacie (GOV); Hall, Jean (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Saxton, Thomas (Treasury)
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From: Ackerman, Darin (GOV)
Sent: Wednesday, December 30, 2015 10:58 AM
To: rdevries@senate.michigan.gov
Subject: Flint Task Force Letter
Attachments: FWATF-Snyder Letter %28122915%29.pdf; ATT00001.txt

Here's a copy of the letter the Gov received yesterday from the Flint Water Advisory Task Force. It's good background for you and Arlan.

December 29, 2015

Dear Governor Snyder:

The Flint Water Advisory Task Force, which you appointed on October 21, 2015, has devoted considerable effort and countless hours to our review of the contamination of the Flint water supply: what happened, why it occurred, and what is needed to prevent a recurrence in Flint or elsewhere in the state. We have also been assessing ongoing mitigation efforts to help assure that short- and long-term public health issues and water management concerns will be properly addressed to safeguard the health and well being of the Flint community.

Shortly after we began our work, we recognized the immediate need for better coordination of the state's response to the ongoing public health issues in Flint, and for assignment of a single person to provide this coordination. We addressed these concerns in a letter to you on December 7, 2015, and you responded with immediate adoption of these recommendations. We thank you for the commitment your response demonstrates.

In our continuing efforts, we have now interviewed numerous individuals at state and local levels; reviewed many documents, articles, and emails; and deliberated repeatedly as a group. Both individually and as a group, we have visited Flint several times during the past several weeks to meet with citizens, public health officials and healthcare providers, individuals who have water management responsibilities at the city and county levels, and other public officials.

It is clear to us, particularly as we listen to the people of Flint, that it is both critical and urgent to establish responsibility for what happened in their community and to ensure accountability. This is a first step in a long process to re-establish the trust they no longer have in their government and the agencies whose responsibility it is to protect their health. It is urgent because this deep distrust of government continues to compromise the effective delivery of protective services designed to address ongoing public health issues. It is for these reasons that we are sending this letter at this time.

We believe the primary responsibility for what happened in Flint rests with the Michigan Department of Environmental Quality (MDEQ). Although many individuals and entities at state and local levels contributed to creating and prolonging the problem, MDEQ is the government agency that has responsibility to ensure safe drinking water in Michigan. It failed in that responsibility and must be held accountable for that failure.

The Safe Drinking Water Act (SDWA) places responsibility for compliance with its requirements on the public water system. In this instance, the City of Flint had the responsibility to operate its water system within SDWA requirements, under the jurisdiction of the MDEQ. The role of the MDEQ is to **ensure** compliance with the SDWA through its regulatory oversight as the primary agency having enforcement responsibility for the Flint water system.

The MDEQ failed in three fundamental ways.

Regulatory Failure

We believe that in the Office of Drinking Water and Municipal Assistance (ODWMA) at MDEQ, a culture exists in which "technical compliance" is considered sufficient to ensure safe drinking water in Michigan.

This minimalist approach to regulatory and oversight responsibility is unacceptable and simply insufficient to the task of public protection. It led to MDEQ's failure to recognize a number of indications that switching the water source in Flint would—and did—compromise both water safety and water quality. The MDEQ made a number of decisions that were, and continue to be, justified on the basis that federal rules "allowed" those decisions to be made. ODWMA must adopt a posture that is driven not by this minimalist technical compliance approach, but rather by one that is founded on *what needs to be done to assure drinking water safety.*

A culture change must occur within ODWMA. It must be driven by a mission that is aspirational regarding the role of the MDEQ in ensuring the safety and the quality of Michigan's drinking water. We believe, and have expressed to MDEQ Director Dan Wyant, that as a Great Lakes State, Michigan should aspire to have the safest drinking water in the nation, rather than merely aiming for technical compliance with regulatory requirements.

Failure in Substance and Tone of MDEQ Response to the Public

Throughout 2015, as the public raised concerns and as independent studies and testing were conducted and brought to the attention of MDEQ, the agency's response was often one of aggressive dismissal, belittlement, and attempts to discredit these efforts and the individuals involved. We find both the tone and substance of many MDEQ public statements to be completely unacceptable. In a real way, the MDEQ represents the public, including the very individuals it treated dismissively and disrespectfully in public statements. We recognize that the agency might disagree with the opinions of others on a variety of issues, including testing protocol, interpretation of testing results, the requirements of federal law and rules, and other matters. What is disturbing about MDEQ's responses, however, is their persistent tone of scorn and derision. In fact, the MDEQ seems to have been more determined to discredit the work of others—who ultimately proved to be right—than to pursue its own oversight responsibility.

Failure in MDEQ Interpretation of the Lead and Copper Rule

The federal Lead and Copper Rule (LCR) is central to what happened in Flint, because that rule, at least theoretically, is designed to prevent lead and copper contamination of drinking water. The federal LCR calls for "optimized corrosion control treatment," which the MDEQ did not require in the switch to the Flint River. Prior to the switch, MDEQ staff instructed City of Flint water treatment staff that corrosion control treatment (CCT) was not necessary until two six-month monitoring periods had been conducted. The need for CCT would be evaluated after the results from those two monitoring periods were reviewed. The decision not to require CCT, made at the direction of the MDEQ, led directly to the contamination of the Flint water system.

The MDEQ seems to have taken different positions on whether it faithfully followed the LCR in the Flint situation. It first maintained that it followed the LCR, then stated that it did not follow the rule properly, and most recently claimed that a federal memorandum issued by the US EPA in early November 2015 suggests that the original MDEQ interpretation was possibly correct.

We are not convinced. Even the MDEQ's latest interpretation of the US EPA's November memorandum is overly legalistic and misunderstands the intent of the LCR, which is to minimize risks of lead and copper exposure for human health.

We believe ODWMA's single-minded legalistic focus is the heart of the problem, and it is part of the "technical compliance" culture described above. ODWMA should not be basing its actions solely on a

legally possible interpretation of the LCR. It should be focusing on how to protect Michigan's citizens from lead in drinking water.

We met with MDEQ Director Wyant on December 16, 2015, to discuss these issues, as well as many others. We note his substantial agreement with many of our conclusions, particularly as it relates to the regulatory failure and the abysmal public response of his agency. It is our understanding that he has drawn similar conclusions in his own evaluation of the MDEQ's role in the Flint water crisis. At the same time, it was disappointing to hear his weak defense of the CCT decision based on the EPA's November 2015 memorandum.

We are not finished with our work. Other individuals and entities made poor decisions, contributing to and prolonging the contamination of the drinking water supply in Flint. As an example, we are particularly concerned by recent revelations of MDHHS's apparent early knowledge of, yet silence about, elevated blood lead levels detected among Flint's children. We also feel it important to further review local government decision processes under emergency management. Our final report will highlight and discuss those concerns, among many others, to provide some context to a comprehensive series of recommendations. **As stated earlier in this letter, however, we believe that establishing responsibility is a critical and urgent need, and one that should not wait for our final report in 2016. Individuals and agencies responsible must be held accountable in a timely fashion.**

It is our hope that the heightened awareness of the dangers of lead poisoning can be an opportunity to make Michigan safer, particularly for its children. Drinking water must be recognized as a potential source of health risk exposure when water lines and fixtures containing lead are disturbed or compromised. Proper testing, not only in high-risk areas but also in facilities serving children (e.g., schools), must be considered. Facilitating long-term financing of a model public health program, and also replacement of lead-containing water service lines and fixtures, would enable Michigan to realize a positive lasting legacy from the tragedy of the Flint water crisis. Our final report will address some of these issues.

The City of Flint's water customers—fellow Michigan citizens—were needlessly and tragically exposed to toxic levels of lead through their drinking water supply. They deserve a commitment to properly assess responsibility and ensure accountability. They also deserve a commitment to needed mitigation in both the short and long term. The Flint water crisis never should have happened. Having failed to prevent it, state government should coordinate a sustained, public-health-focused response to remedy, to the fullest extent possible, the impacts on the Flint community.

Respectfully yours,

Flint Water Advisory Task Force:

Matt Davis
Chris Kolb
Larry Reynolds
Eric Rothstein
Ken Sikkema

Sent from my iPhone

From: Wyant, Dan (DEQ)
Sent: Wednesday, October 21, 2015 10:57 AM
To: Baird, Richard (GOV); Anderson, Madhu (DEQ)
Subject: Fwd: 10.21.15-Ananich-Letter-LevinAppointment-FINAL.pdf
Attachments: ATT00001.htm

Sent from my iPhone

Begin forwarded message:

> **From:** Andrew Leavitt <ALeavitt@senate.michigan.gov>
> **Date:** October 21, 2015 at 10:42:35 AM EDT
> **To:** Dennis Muchmore <muchmored@michigan.gov>, "wyantd@michigan.gov" <wyantd@michigan.gov>
> **Subject: 10.21.15-Ananich-Letter-LevinAppointment-FINAL.pdf**
>
> Good Morning Gentlemen,
>
> Jim has placed a call to Senator Levin asking him if he would be interested in serving in some capacity on the Flint water review but they have not connected. To be fair to the Governor he wanted to make him aware that he would like Senator Levin to have a role in the process.
>
> Thanks,
>
> Andy

From: Baird, Richard (GOV)
Sent: Wednesday, March 04, 2015 7:29 PM
To: Steve Linder
Subject: Fwd: PRESS RELEASE: Flint Water Technical Advisory Committee Meets
Attachments: Press Release Flint Water Technical Advisory Committee Meeting.pdf; ATT00001.htm

Sent from my Verizon Wireless 4G LTE DROID
---------- Forwarded message ----------
From: "Workman, Wayne (TREASURY)" <WorkmanW@michigan.gov>
Date: Mar 4, 2015 5:31 PM
Subject: Fwd: PRESS RELEASE: Flint Water Technical Advisory Committee Meets
To: "Hollins, Harvey (GOV)" <hollinsh@michigan.gov>, "Baird, Richard (GOV)" <bairdr@michigan.gov>, "Saxton, Thomas (Treasury)" <SaxtonT@michigan.gov>, "Stanton, Terry A. (Treasury)" <StantonT@michigan.gov>
Cc:

Sent from my iPad

Begin forwarded message:

> **From:** Elizabeth Murphy <emurphy@cityofflint.com>
> **Date:** March 4, 2015 at 5:25:14 PM EST
> **To:** ABC12news <abc12news@abc12.com>, Angie Hendershot <angie.hendershot@abc12.com>, "Assoc. Press" <apmichigan@ap.org>, "[redacted], Bill Harris-WEYI <waharris@chestv.com>, "Thorne, Blake" <bthorne1@mlive.com>, Lilly Brian <blilly@wicu12.com>, "Mickle, Bryn" <BMICKLE1@mlive.com>, Carrie Sharp <carrie.widenmier@wnem.com>, Courier News <cpsacouriernews@yahoo.com>, Dave Waymire <dwaymire@mwadvocacy.com>, "David Harris-MLIVE" <dharris5@mlive.com>, Dawn Jones <dawn.f.jones@abc12.com>, Dayne Walling <dwalling@cityofflint.com>, Dennis Muchmore <muchmored@michigan.gov>, "Adams, Dominic" <DADAMS5@mlive.com>, "East VillageNews" <eastvillage@sbcglobal.net>, Ed Koryzno <koryznoe@michigan.gov>, Elaine Redd <ERedd@flintandgenesee.org>, Emily Nelson <emily.nelson@wnem.com>, "Eric Mays, Ward 1" <emays@cityofflint.com>, "Ridley, Gary" <gridley@mlive.com>, "Harvey Hollins (GOV)" <hollinsh@michigan.gov>, Ian Rubin-WNEM <Ian.Rubin@wnem.com>, Inez Brown <ibrown@cityofflint.com>, Jake May <jmay2@mlive.com>, Janell Johnson <jjohnson@cityofflint.com>, Jason Caya <Jcaya@reinvestflint.org>, "Jason Cooper" <Jason.Cooper@townsquaremedia.com>, Jason Lorenz <Jlorenz@cityofflint.com>, Jennifer Christenson <jchristenson@cityofflint.com>, Jeremy Allen <jallen42@mlive.com>, "Jessica Pressley" <jessica@mycitymag.com>, Joel Feick-WEYI <jfeick@chestv.com>, "Joshua M. Freeman, Ward 4" <jfreeman@cityofflint.com>, [redacted], Kristin Longley-MLIVE <klongley1@mlive.com>, "Kristin Moore" <kristin.moore@wnem.com>, Lola Larkin <llarkin@cityofflint.com>, "Marc Marcobson Jacobson" <marc.m.jacobson@abc12.com>, "Franklin, Matthew" <matthew.franklin@abc12.com>,

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Subject: PRESS RELEASE: Flint Water Technical Advisory Committee Meets

For Immediate Release

City of Flint

Flint, Michigan – March 4, 2015 – Members of the newly established Flint Water Technical Advisory Committee met for two hours today at Flint City Hall to learn more about the steps the city is taking to confirm water safety and improve quality. Members include representatives from the Michigan State University, Genesee County Health Department, Kettering University, Mott Community College, and the Genesee County Medical Society. Joining them were experts from the Michigan Department of Environmental Quality and the EPA, along with several local elected officials.

The presentation included confirmation of the safety of Flint's water system and an overview of the opportunities available to improve water quality. Recent water testing results were shared that confirmed the city today is in compliance with all state guidelines.

Committee members were reminded that another notification to residents would be required later this month, despite the city's progress in improving and stabilizing water safety. The DEQ-required communication is related to test results from 2014. Committee members urged city officials to ensure the required communication focused on the progress and improvement

made. Public health officials also offered to help communicate with health providers throughout the city in an effort to educate residents

about the water's safety.

The Water Technical Advisory Committee is expected to meet on a monthly basis through the implementation of KWA as the city's primary water source.

--
Liz Murphy
Assistant to the Emergency Manager
City of Flint
810 237 2025

Gerald Ambrose
Emergency Manager

Dayne Walling
Mayor

Jason Lorenz
Public Information Officer
(810) 237-2039
jlorenz@cityofflint.com
Elizabeth Murphy
emurphy@cityofflint.com
(810) 237-2025

For Immediate Release

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–CONTINUE–

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–END–

From: Rep. Sheldon Neeley (District 34) <SheldonNeeley@house.mi.gov>
Sent: Tuesday, September 22, 2015 6:13 PM
To: Hollins, Harvey (GOV)
Subject: Executive consideration

[redacted]

I am sending this email to renew my request for assistance from the Governor's Office.

As we engage these challenges, Flint must revisit the present water revolving loan plans to determine how these current funding obligations will affect water delivery and asset development for the future. It is clear that no significant improvements can be obtained without some supportive concessions. Therefore, I am requesting on behalf of the 34th district (Flint) for you to consider an Executive decision to forgive (in-total or part) Flint's water fund loan balances of $20,770,336.00 so that we may effectively apply those funds to rebuilding the City's infrastructure, to competitively obtaining highly qualified personnel and provide a more cost effective water delivery system. Hence, I know there has been many request made of your office to resolve this very serious issue but this approach will best safeguard the health and welfare of the residents of Flint as well as minimize the potential for litigation against the City of Flint and/or the State of Michigan.

Please see a previous request letter for assistance attached to this communication.

Thank you

Attachment Redacted as Irrelevant